

National EEO Investigative Services Office



JUL 30 2021

**UNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY CASE
IN THE MATTER OF:**

ERIC J POWELEIT
18 MIAMIVIEW DR
LOVELAND OH 45140-2720
Complainant,

USPS Tracking # Complainant : 2311 2790 0000 1708 9781

Vs.

Agency Case Number : 4J-450-0002-21

Louis DeJoy
Postmaster General
Respondent
Central Ret Del
U.S. Postal Service

Date Formal Filed : 05/14/2021

TRANSMITTAL OF INVESTIGATIVE FILE

In accordance with Title 29, Code of Federal Regulations, Part 1614.108(f) and (g), this is notification that the Postal Service has completed the investigation of the formal complaint of discrimination referenced above. Enclosed is a copy of the report of that investigation. At this time, you have the right to do either of two things within thirty (30) calendar days of the date of your receipt of this notice:

Request a hearing before an Administrative Judge appointed by the Equal Employment Opportunity Commission, OR

Request a final agency decision on the merits of your complaint without a hearing.

For more information on the two alternatives, refer to the Explanation of Options described below. If you fail to make a choice between the two available options, the Postal Service will issue a final agency decision. If you do not wish to pursue the complaint any further, please sign and date the enclosed PS Form 2564-C and return it to:

WITHDRAWALS
NATIONAL EEO INVESTIGATIVE SERVICES
PO BOX 21979
TAMPA FL 33622-1979

Note: If you are represented by an attorney, all time frames are calculated from the date on which your attorney received this notice.

EXPLANATION OF OPTIONS

To request a hearing, you must fill out the enclosed form, which the Commission has suggested for such requests, and mail it within thirty (30) calendar days of your receipt of this notice to the following address:

HEARINGS UNIT
Indianapolis District Office
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
101 W Ohio St #1900
Indianapolis IN 46204-4203

PO Box 21979
Tampa FL 33622-1979
Tel. (813) 739-2032
FAX: (813) 739-2098

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Equal Employment Opportunity Commission regulations require that you provide a copy of your request for a hearing to the following address so that a copy of the report of investigation can be furnished to the EEOC:

HEARINGS
NATIONAL EEO INVESTIGATIVE SERVICES
PO BOX 21979
TAMPA FL 33622-1979

Title 29 C.F.R. 1614.110(b) authorizes an agency to issue a final decision if it does not receive notice of request for a hearing from a complainant. Therefore, your failure to timely provide a copy of your hearing request to the address listed above will result in the issuance of a final decision by the Postal Service and the forfeiture of your right to a hearing.

Following the hearing, the Administrative Judge will issue a decision, with findings of fact and conclusions of law, and transmit it to the Postal Service for consideration and the issuance of a final order. EEOC regulations (29 C.F.R. 1614.109(g)(3)) also permit Administrative Judges to issue decisions without holding a hearing or to issue orders limiting the scope of a hearing. The Postal Service has forty (40) calendar days from the date of its receipt of the decision of the Administrative Judge and the associated hearing record, where applicable, within which to decide whether or not to implement that decision. If the Postal Service decides not to implement the decision, it must file an appeal with the Office of Federal Operations of the Equal Employment Opportunity Commission within the same forty-day time period. You will receive a copy of that appeal and any brief in support of it and you may file your own brief or arguments in support of your position.

If you wish to request a final agency decision without a hearing, you should direct your written request to the following address within thirty (30) calendar days of the date of your receipt of this notice:

FADS
NATIONAL EEO INVESTIGATIVE SERVICES
PO BOX 21979
TAMPA FL 33622-1979

If you are dissatisfied with the Postal Service's final agency decision or final order taking action on a decision by an Administrative Judge, you may do one of two things:

You may file a civil action in an appropriate United States District Court within ninety (90) calendar days of receipt of the final agency decision or final action. Any such action should be styled

ERIC J. POWELEIT V. LOUIS DEJOY, POSTMASTER GENERAL

You may file an appeal with the Office of Federal Operations of the Equal Employment Opportunity Commission within thirty (30) calendar days of the date of your receipt of the final agency decision or final action.



Dino DeSorbo
Manager, EEO Services

cc:

Enclosures: Report of Investigation, PS Form 2564C, and Request for Hearing Form

REQUEST FOR HEARING FORM

TO: THE COMMISSION HEARINGS UNIT:
DISTRICT DIRECTOR, INDIANAPOLIS DISTRICT OFFICE
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
101 W OHIO ST #1900
INDIANAPOLIS IN 46204-4203

Dear Sir/Madam:

I am requesting the appointment of an Equal Employment Opportunity Commission Administrative Judge pursuant to Title 29, Code of Federal Regulations, Part 1614.108(g). I hereby certify that either more than 180 days have passed from the date I filed my formal complaint or I have received a notice from the Postal Service that I have thirty (30) days to elect a hearing or a final agency decision.

Complainant Information: (Please Print or Type)

Complainant's Name (Last, First, M.I.): POWELEIT, ERIC J
Home/mailling address: _____
City, State, Zip Code: _____
Home or Mobile Phone # (with area code): _____
E-mail address (if any): _____

Agency Case Number 41-450-0002-21 Filed On 05/14/2021 My EEOC Sub-Agency: USPS Field Areas and Regions

Attorney/Representative Information (if any) :

Attorney Name: _____
Non-Attorney Representative Name: _____
Address: _____
City, State, Zip Code: _____
Telephone number (if applicable): _____
E-mail address (if any): _____
Fax number (if any): _____

I will require the following reasonable accomodation(s) to participate in the hearing process:

In accordance with Section 1614.108(g), my signature below certifies that I have sent a copy of this request for a hearing to the Postal Service to the following address:

NATIONAL EEO INVESTIGATIVE SERVICES
U.S. POSTAL SERVICE
PO BOX 21979
TAMPA FL 33622-1979

I understand that, if I have not provided the Postal Service with a copy of this request for a hearing to the address listed above, the Postal Service will issue a final decision on my complaint, resulting in the loss of my right to a hearing.

Sincerely,

Signature of Complainant or Complainant's Attorney

Date

NOTE: Only Complainant or their attorney can sign the request for a hearing. Non-attorney representatives may not sign requests for a hearing. Hearing requests must be signed. Unsigned Hearing requests will not be assigned a hearing number or an Administrative Judge.



Case Number: 4J-450-0002-21

Withdrawal of Complaint of Discrimination

I, ERIC J POWELEIT, do hereby voluntarily
withdraw

☐
☐

my formal EEO complaint in its entirety.

the following allegation(s) ONLY:

I fully understand that by withdrawing the complaint or allegation(s) I have withdrawn, I am waiving my rights to any further appeal of this allegation(s) through the EEO Process. I further stipulate that my withdrawal did not result from threat, coercion, intimidation, promise or inducement.

Privacy Act

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000E-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a; The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses

grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Complainant

Date

PS Form 2564-C, November 1999

WITHDRAWALS
NATIONAL EEO INVESTIGATIVE SERVICES
PO BOX 21979
TAMPA FL 33622-1979

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NATIONAL EEO INVESTIGATIVE SERVICES OFFICE



Re: Opening and Viewing your DVD

The enclosed DVD contains your EEO Report of Investigation. In order to view the contents, you must have Adobe Reader installed on your computer system. Adobe Reader is a free download from the internet. Once you have Adobe Reader, please follow the instructions below to open the report.

To access the PDF file on the DVD:

Step 1. Insert the DVD into the disk drive, if your PC has Autorun enabled, you will see a dialog box appear, click on the "Open folder to view files using Windows Explorer", then click "OK". If the Autorun box does not appear, go straight to step 3.

Step 2. A new window will open with the Files on the DVD. Double click to open the PDF.

Step 3. If the dialog box in step 1 does not appear, right click on the Windows start button at the lower left corner of your desktop. When the selection box opens, select "Explore" or "File Explorer."

Step 4. The title of the DVD will appear in the Explorer window in the left navigation pane, click on this title and the files on the DVD will be presented in the right navigation pane. Double click on the PDF file to open and read it.

P.O.Box 21979
Tampa FL 33622-1979
TEL: 813-739-2002
FAX: 813-739-2098



RECEIVED
MAY 17 2021
NEEDS

EEO Complaint of Discrimination in the Postal Service

(See Instructions and Privacy Act Statement on Reverse)

1. Name Eric Poweleit		2. SSN or EIN If Applicant [REDACTED]	3. Case No. 4J-450-0002-21
4a. Mailing Address (Street or P.O. Box) 18 Miamiview dr.		4b. City, State, and Zip + 4 Loveland, Ohio 45140-2720	
5. Email Address JamiePow9@gmail.com		6. Home Phone (513) 600-2915	7. Work Phone (513) 683-8052
8. Position Title (USPS Employees Only) Regular Rural Carrier	9. Grade Level (USPS Employees Only) High School	10. Do You Have Veteran's Preference Eligibility <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Installation Where You Believe Discrimination Occurred (Identify Installation, City, State, and Zip+4) Loveland Post Office 200 Loveland-Madeira Rd Loveland, Ohio 45140		12. Name & Title of Person(s) Who Took the Action(s) You Allege Was Discriminatory Larry Malone Jessica Maggard	
13a. Name of Your Designated Representative		13b. Title	
13c. Mailing Address (Street or P.O. Box)		13d. City, State, and ZIP + 4	
13e. Email Address *		13f. Home Phone ()	13g. Work Phone ()

* Providing this information will authorize the Postal Service to send important documents electronically.

14. Type of Discrimination You Are Alleging		15. Date on Which Alleged Act(s) of Discrimination Took Place
<input type="checkbox"/> Race (Specify): <input type="checkbox"/> Color (Specify): <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify): <input type="checkbox"/> Sex (Specify Male, Female):	<input checked="" type="checkbox"/> Sex (LGBT): <input type="checkbox"/> Age (40+) (Specify Date of Birth): <input type="checkbox"/> Retaliation (Specify Prior EEO Activity): <input type="checkbox"/> Disability (Specify): <input type="checkbox"/> Genetic Information (Specify):	01/21/2021 02/17/2021 04/02/2021 04/05/2021 04/14/2021

16. Explain the specific action(s) or situation(s) that resulted in you alleging that you believe you were discriminated against (treated differently than other employees or applicants) because of your race, color, religion, sex, age (40+), national origin, genetic information or disability. Note that if your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1616.106(d)

On January 21 2021, my supervisor threatened me with discipline while I was trying to inform him about the medical needs of another employee in which on 2/17/2021 he informed me of a false report he wrote about the incident. On 4/2/2021 the Postal Service put a lock on just the women's bathroom, resulting in my Postmaster Jessica Maggard getting on the intercom on 4/5/2021 to humiliate me when I tried to talk to her. On 4/14/2021 Jessica Maggard informed me I was being placed on EP for more false allegations. I'm seeking change within the Postal Service when it comes to the needs of minorities, especially the needs of transgender employees. I'm also seeking compensation for the emotional damage that has been cast upon myself and my family.

17. What Remedy Are You Seeking to Resolve this Complaint? I'm seeking change within the Postal Service when it comes to the needs of minorities, especially the needs of transgender employees. I'm also seeking compensation for the emotional damage that has been cast upon myself and my family.	
18. Did You Discuss Your Complaint with an EEO Alternative Dispute Resolution (ADR) Specialist or a REDRESS Mediator? <input checked="" type="checkbox"/> Yes Date you received the Notice of Final Interview: 5/4/2021 <input type="checkbox"/> No	
19a. Signature of Dispute Resolution Specialist / Signature Confirmation # 9410803699300136420811 Jo Ann Hutton	19b. Date 05/04/2021
20. Signature of Complainant or Complainant's Attorney [Signature]	21. Date of this Complaint 5/11/2021

Eric (Sam) Lovelace
18 Miamiview dr.
Loveland OH 45140

CINCINNATI OH 452
14 MAY 2021 PM 5 L



RECEIVED

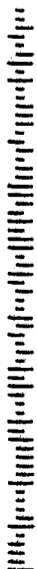
NEEDISO - Formal Complaints

MAY 17 2021

NEEDISO

U.S. Postal Service
P.O. Box 21979
Tampa FL 33622-1979

33622-1979



U.S. Postal Service

EEO Dispute Resolution Specialist's (DRS) Inquiry Report

Case No.

4J-450-0002-21

NOTICE OF RESTRICTED USAGE

Access to, and usage of, this EEO report is restricted by both the Freedom of Information Act and the Privacy Act to: (1) the complainant and his or her representative, and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The report must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

Complainant

Name (Last, First, MI)

Poweleit, Eric

SSN or EIN

244

Home Address (No., Street, City, State, ZIP + 4)

18 Miami Drive
Loveland OH 45140-2720

Work Address (Facility Name, No., Street, City, State, ZIP + 4)

Loveland Post Office
200 Loveland-Madeira Rd
Loveland OH 45140-9998

Home Telephone No.

(513) 600-2915

Email Address

ebengals28@gmail.com

Office Telephone No.

(513) 683-8052

Position Title

Carrier

Grade Level

01

Tour

2

Duty Hours

8:00 am – 4:30 pm

Off Days (For Tour 1, record of nights)

Sunday/Rotating

Is EEO Poster 72 on display in Complainant's facility?

☒ Yes, verified on date 03/08/2021

Preference Eligible

☐ Yes☒ No

Mixed Case

☐ Yes☒ No

MSPB Appeal Filed?

☐ Yes☒ No If Yes, Date Filed:**Chronology of Informal Process**

Date of Incident

01/21/2021, 02/17/2021, 04/02/2021,
04/05/2021, 04/14/2021

Date of Initial Contact with EEO Office

02/17/2021

Date of Initial Interview

03/08/2021

REDRESS™ Overview

☒ Yes☐ No

ADR Election Form Signed

☒ Yes☐ No

60 Day Extension Form Signed

☒ Yes☐ No: If Yes, Expiration Date:

05/18/2021

Date Complainant Signed or Received Notice of Right to File

05/06/2021

Date DRS Report Requested

05/19/2021

Date DRS Report Submitted

05/25/2021

Basis for Alleged Discrimination

Check and Particularize Each that Applies

☐ 1. Race (Specify):☐ 7. Age (Specify Date of Birth):☐ 2. Color (Specify):☐ 8. Physical Disability (Specify):☐ 3. Religion (Specify):☐ 9. Mental Disability (Specify):☐ 4. Sex (Specify):☐ 10. Genetic Information (Specify):☒ 5. Sex (Specify LGBT): Transgender☐ 11. Retaliation (Specify Cited Prior EEO Activity):

Discrimination Claim(s):

Counselee alleges discrimination based on Sex (LGBT) when on: 1) 01/21/2021 he was threatened with discipline; 2) 02/17/2021 he became aware of an incident statement written by management that he believes is false; 3) 04/02/2021 management put a lock on the women's restroom; 4) 04/05/2021 management yelled and humiliated him; 5) 04/14/2021 he was placed on Emergency Placement (EP).

Requested Resolution

1) Agency provide training on transgender issues to management and employees; 2) Compensation for emotional damage; 3) Emergency Placement recinded.

EEO Dispute Resolution Specialist's Checklist.

Please check All That Apply.

- ☒ 1. I informed counselee of the impartial role of the Dispute Resolution Specialist in the EEO complaint process, explained the EEO process, and provided counselee with the booklet, *What You Need to Know About EEO* -- an overview of the EEO process in the Postal Service.
- ☒ 2. I notified counselee of his/her right to be accompanied, represented, and advised by a representative of his/her choice at any stage in the complaint process. If counselee elected representation, I obtained the following information:

Representative's Name: _____

Title: _____ Telephone Number: _____

Fax No _____ Email Address: _____

Mailing Address: _____

- ☒ 3. I advised counselee of his/her right to remain anonymous during pre-complaint counseling and he/she DID X / DID NOT ____ waive anonymity.
- ☒ 4. I explained the privacy act notice. Counselee signed a copy of the notice prior to the interview.
- ☐ 5. If a mixed case, I informed counselee of the mixed case election procedures in 29 C.F.R. §1614.302.
- ☐ 6. If age discrimination was alleged, I informed counselee of the alternate procedures available for pursuing age claims, as outlined in 29 C.F.R. §1614.201.
- ☐ 7. If a sex-based claim of wage discrimination was alleged under Equal Pay Act (EPA), I advised counselee of his/her right to bypass the administrative procedure and file a civil action, as outlined in 29 C.F.R. §1614.408.
- ☐ 8. If discrimination based on disability was alleged I informed counselee of his/her requirement to submit documentation of his/her disability. Documentation HAS ____ / HAS NOT ____ been submitted.
- ☐ 9. If counselee presented his/herself as an agent of a class, I explained the class complaint procedures and the class agent's responsibilities, as outlined in 29 C.F.R. §1614.204.
- ☒ 10. I informed counselee of his/her requirement to immediately notify the NEEISO-EEO Contact Center and the EEOC if the representative's or his/her mailing address changes.
- ☒ 11. I explained that I will not be the one who will make the decision on the acceptability of counselee's claim(s); but, there is a possibility that, for the reason(s) I have briefly restated below, the claim(s) will be dismissed in accordance with 29 C.F.R. 1614.107.

Counselee advised of the possibility of dismissal of #1, #2, #4 – Failure to state a claim

Dispute Resolution Specialist's Inquiry

Brief Summary of Inquiry (If applicable):

Counselee cited Jessica Maggard, Postmaster (PM) and Lawrence Malone, Supv. Customer Services (SCS) as the responsible management officials.

Counselee alleges discrimination based on Sex. Counselee alleges that he was involved in a conversation with a co-worker, which became loud and left Counselee concerned for the co-worker's safety. Counselee alleges that because of his concern he attempted to explain what occurred to SCS Malone, who ignored his concerns and instructed him to face his case and be quiet. Later that day Counselee alleges that SCS Malone threatened him with corrective action and informed him that he'd written an incident report which Counselee believes contains false statements. Counselee alleges that SCS Malone also informed him that he'd discard it if no further incidents between him and the co-worker occurred. Counselee states he is not comfortable with this action. Counselee further alleges that SCS Malone continuously threatens him with discipline and has not been supportive since becoming aware of his transitioning process. Counselee alleges that SCS Malone misgenders and misnames him and uses the excuse that he knew him before he began the transition process. Counselee further alleges that PM Maggard informed him that due to co-workers concerns locks were placed on the women's and later the men's restrooms. Counselee alleges PM Maggard has yelled and humiliated him in front of his co-workers. Counselee alleges that on 04/14/2021 PM Maggard phoned him and informed him that he was being Emergency Placed for his alleged actions on 04/3/2021 with no explanation as to why.

SCS Malone stated that the incident on 01/28/2021 involved Counselee and a co-worker screaming back and forth with each other and after several attempts to calm them down he took them off the workroom floor. SCS Malone stated that during his inquiry the female co-worker with whom Counselee had the conversation with accused Counselee of trying to get in her personal business. SCS Malone stated Counselee just kept expressing his concern about the co-worker's safety. SCS Malone stated he finally told them they needed to calm down, face their cases and be quiet. SCS Malone stated that because of his knowledge of Counselee's transitioning process he makes every attempt to be careful when addressing Counselee and has not yelled at him or falsely accused him of anything. SCS Malone further stated that the incident statement Counselee refers to was really him sharing his initial inquiry into the incident.

Postmaster Maggard (PM) stated management has made several attempts to accommodate Counselee during his transition process. PM Maggard stated locks had been placed on the bathrooms in an effort to accommodate all employees, however, the locks were later removed. PM Maggard stated she's attempted to have several conversations with Counselee concerning issues in the office and that during many of them the Counselee became very combative and accused his co-workers of being transphobic. PM Maggard further stated that due to the office unrest she requested assistance and an Initial Management Inquiry was conducted (IMIP) and she does not have the results at this time. PM Maggard stated Counselee was put on Emergency Placement on 04/14/2021 based on allegations that Counselee made comments indicating harm to the office and a co-worker, which is a direct violation of the Postal Service Zero Tolerance Policy.

Records indicate a grievance was filed on the Emergency Placement. Grievance # 4J 18R-4J-D 21208951 has not been resolved.

Counselors Note: Emergency Placement letter included

REDRESS™ (Dispute Resolution Specialist complete this section if counselee participated in ADR)

Date of mediation	Disposition
04/13/2021	<input type="checkbox"/> Resolved <input checked="" type="checkbox"/> Not Resolved

Summary of Final Interview

In that the matter could not be resolved in counseling, on 05/03/2021 PS Form 2579-A and PS Form 2565 were mailed to the Counselee via Priority w/Signature Confirmation 9410 8036 9930 0136 4208 11. Records reflect forms were received by Counselee on 05/06/2021.

Privacy Act Notice

The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants

or other benefits; to a congressional office at your request, to an expert, consultant or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Office Address of Dispute Resolution Specialist
(No., Street, City, State, and Zip + 4)
EEO ADR Specialist
Ohio Valley District
1623 Dalton Avenue, Rm 423
Cincinnati OH 45234-9403

Office Address of Manager EEO Compliance & Appeals
(No., Street, City, State, and Zip + 4)
Eastern Area
EEO Compliance and Appeals Office, Region 4
2400 Orange Avenue
Cleveland, OH 44101-9003

Specialist's Office Telephone No.
(513) 684-5461

Specialist's Office Hours

8:00 AM to 4:30 PM

Signature of EEO Dispute Resolution Specialist

Jo Ann Hutton

Typed Name of EEO Dispute Resolution Specialist

Jo Ann Hutton

Date

05/25/2021

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PAGE**

Signature of EEO Dispute Resolution Specialist: *Jo Ann Hutton* Date: 05/25/2021

PS Form 2570, October 2015 (Page 4 of 4)

Submission Date and Time
02/17/2021 15:37

EEO Contact Summary / Eric Poweleit

Preferred Contact Number: 5136002915
Best Time to Call: 12:00 Noon - 6:00 PM

Selected Office

Office: 4J450:OHIO VALLEY CS DISTR

Alleged RMO(s)

Name: Larry Malone
Address: 200 loveland Madeira rd.
City: LOVELAND
State: OH
ZIP: 45140
Phone: 5136838052
Email:

REDRESS® / Anonymity / Extension

REDRESS®: No
Anonymous: No
Extension: No

Grievance/MSPB Appeal/Section 650 Appeal

Previous Grievance: No
MSPB Appeal: No
Section 650 Appeal: No

Representative Information

No Representative Added

Claims

Claim Type: Working Conditions
Incident Date: 01/28/2021
Bases/Basis:
Sex:LGBT

Summary Of Issue: On April 2nd the postal service put a lock on the womens restroom. Being a Transgender female, I obviously get upset and have a phone conversation with my Postmaster Jessica Maggard on April 3rd I learn they are putting another lock on the mens restroom and that this is happening because "some of the women in the office don't believe I am a woman", I'm told they have a right to their beliefs which they do, she also tells me she has to look out for everyone. I attempt to talk to Jessica Maggard the following work day where I was met with resistance and lies about how she never said what she told me on the third. She proceeded to humiliate me in front of the office by getting on the intercom telling everyone to get back to work. I started feeling sick told Jessica I was gonna leave sick. She continued humiliating me as I was trying to leave. She yelled at me to fill out a form, I did. She yelled at me that "your leaving not sick" I told her I was, all in front of the other carriers in the office. I have never seen anyone humiliated this way in my prior 16 years of service. In the days following I have multiple conversations with my postmaster Jessica about the bathrooms making sure my union rep was present because I didn't trust the fact that I wouldn't be lied to or humiliated more. I got multiple stories from Jessica, I got to hear about her transphobic concerns about people changing in the bathroom that were never an issue before my transition. Ultimately Jessica decided to do with the bathrooms what she had never expressed to me in all our conversations prior. I had been humiliated lied to and misled because of the lock on the bathrooms. On April 14th Jessica called me to inform me I was being placed on emergency placement for my actions on April 3rd. I have been given no explanation. I do know 2 days after being placed on emergency placement the postal service took the locks off the door and reverted them back to mens and womens restrooms.

Remedy Requested: I seek an overall education and understanding of transgender employees to management, training for management on the types of discrimination transgender employees face, training for employees on how to be sensitive about the needs of others. I seek a change that is desperately needed in the postal service. I seek a hate free and understanding environment in all offices.

Documents

No Document Added

Rights and Responsibilities

Rights and Responsibilities: Acknowledged

Submission Date and Time
04/21/2021 12:16

EEO Contact Summary / Eric Poweleit

Preferred Contact Number: 5136002915
Best Time to Call: 12:00 Noon - 6:00 PM

Selected Office

Office: 4J450:OHIO VALLEY DISTRICT

Alleged RMO(s)

Name: Jessica Maggard
Address:
City:
State: OH
ZIP:
Phone: 513-683-8052
Email: jessica.L.Maggard@usps.gov

REDRESS® / Anonymity / Extension

REDRESS®: No
Anonymous: Yes
Extension: No

Grievance/MSPB Appeal/Section 650 Appeal

Previous Grievance: Yes (Date: 04/17/2021)
MSPB Appeal: No
Section 650 Appeal: No

Representative Information

No Representative Added

Claims

Claim Type: Disciplinary Action - Other (Emergency Placement)
Incident Date: 04/14/2021
Bases/Basis:
Sex: LGBT

Summary Of Issue: Today my supervisor Larry Malone informed me he wrote a statement about an altercation between a co worker and myself. On January 28th a co worker told me something that had me fearing her safety at work. I tried to talk to her about it but she got upset and got a little loud. Larry came over and I tried to tell him how her safety was in danger and he completely ignored my warnings about her safety and proceeded to tell me to be quiet and face my case. I once again desperately try to tell him the situation only to be ignored again and told to face my case and be quiet. After a third time of trying to plead my case to him he pulled me in the office. Not once did he try to address the issue I presented to him. His carrier was in danger and all he cared about was discipline. He pulled me in the office and asked if I heard him tell me to face my case and I said yes. He proceeded to tell me I was going to face corrective action for my behavior. Today February 17th 2021 he informed me he wrote a statement which includes false information about that days happenings. He told me he would throw it out if everything calmed down. I'm not ok with him holding a statement of misinformation over my head. I've been threatened enough. I've been threatened corrective action just for trying to talk to him in the past. I've been singled out in altercations, I've been told different things than the others were and threatened discipline when others involved weren't. I thought when I came out 7 months ago my supervisors would have my back, it has been the opposite. Larry misgenders and misnames me more then anyone. His excuse was he knew me before. I've worked with most of my co workers for more then a decade yet they still are able to treat me with the respect I deserve. When I had a problem, it took more then a month to just get a conversation.

Remedy Requested: I just wanna be treated like everyone else.

Documents

No Document Added

Rights and Responsibilities

Rights and and Responsibilities: Acknowledged



Representation/Anonymity

Case Number

45-450-0002-21

Representation

The EEO Alternative Dispute Resolution Specialist has informed me that I am entitled to representation of my choosing.

☐ I authorize to represent me:

Name and Title of Representative

Street Address

City/State/ZIP + 4

()
Area Code and Telephone Number

Email Address

☐ I waive representation at this time.

I understand that I must immediately notify the Manager, EEO Compliance and Appeals, located in my region, in writing, if at any time during the administrative processing of my complaint, I designate a representative and/or change the representative I have designated above. (Employees at Postal Service Headquarters and Headquarters Field Units, and employees of the Inspection Service should notify the Manager, EEO Programs, at Headquarters.)

Anonymity

The EEO Alternative Dispute Resolution Specialist has informed me of my right to remain anonymous during the informal processing stage.

☐ I elect to remain anonymous.

☒ I waive anonymity.

Privacy Act Statement and Rehabilitation Act Notice

Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service (USPS) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies visit www.usps.com/privacypolicy.

Rehabilitation Act Notice: Under the Rehabilitation Act, medical information is confidential and may only be requested or disclosed in very limited circumstances. Medical documentation about the complainant's and possible comparison employees' medical conditions and work restrictions may be requested in connection with the investigation of an EEO complaint. Information about medical restrictions (but not medical conditions) obtained in the course of an EEO investigation may be disclosed to supervisors and managers who need to know about restrictions on the work or duties of the employee and about necessary accommodations. Supervisors and managers are not permitted to share such information with peers or subordinates or to discuss the information with those who have no need to know and whose requests for the information are not job-related and consistent with business necessity.

Counselee's Signature
E-SIGNED by Eric (Jamie) Poweleit
on 2021-04-23 09:14:12 CDT

Print Name
Eric Poweleit

Date



Agreement to Extend 30-Day EEO Counseling Process

Case No.
4J-450-0002-21

Date Initiated
February 17, 2020

In accordance with 29 C.F.R. §1614.105(e), I hereby agree to postpone the final interview and to extend the informal counseling process for a period up to 60 additional days. In signing this agreement, I understand that I retain my right to file a formal complaint if the matter(s) which I raised during counseling is not resolved within 90 calendar days from the date of my first contact with the EEO Office, and at anytime thereafter up to 15 calendar days after receiving my notice of right to file a discrimination complaint.

Privacy Act Statement

Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service™ (USPS®) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local, or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies, visit www.usps.com/privacypolicy.

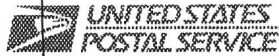
Signature of Counselee
E-SIGNED by Eric (Jamie) Poweleit
on 2021-03-08 20:03:31 CST

Print Name
Eric J. Poweleit

Date

PS Form **2567-A**, March 2012

LOVELAND POST OFFICE
OHIO VALLEY DISTRICT



April 15, 2021

ep: rlh

EMERGENCY PLACEMENT IN OFF-DUTY STATUS

ERIC POWELEIT
18 MIAMIVIEW DR
LOVELAND, OH 45140

RURAL CARRIER
EMPLOYEE IN: 03611244

CERTIFIED # 70191120000096794736
TRACKING # 9505516158581105489707

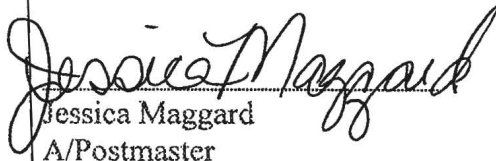
You were verbally notified you that you were being placed into an off duty status without pay effective April 14, 2021 and that you would remain in that status until you are advised otherwise. The reason for this action is:

IMPROPER CONDUCT

This is written confirmation of your being placed via the Emergency Procedure as outlined in the National Agreement. On April 14, 2021 management became aware that you made statements at work that were in direct violation of the Zero Tolerance Policy.

Accordingly, you have been placed on emergency placement in an off duty status without pay, pending further investigation. Article 16, Section 5, of the National Agreement states "An employee may be immediately placed on an off-duty status (without pay) by the Employer, but remain on the rolls where the allegation involves intoxication (use of drugs or alcohol), pilferage, or failure to observe safety rules and regulations, or in cases where retaining the employee on duty may result in damage to US Postal Service property, loss of mail or funds, or where the employee may be injurious to self or others."

You may contact me if you have questions or do not understand the reasons for your Emergency Procedure status. You have the right to file a grievance under the Grievance-Arbitration procedure as set forth in Article 15, Section 2, of the National Agreement, within fourteen (14) days of your receipt of this notice.


Jessica Maggard
A/Postmaster

DISC



01	EFFECTIVE DATE 04-24-2021	Notification Of Personnel Action		02	SOCIAL SECURITY NUMBER XXX-XX-6608
EMPLOYEE INFORMATION					
03	EMPLOYEE NAME-LAST	POWELEIT	38	PROBATION EXPIR DATE	
04	EMPLOYEE NAME-FIRST	ERIC	39	FLSA STATUS	N - NON-EXEMPT
05	EMPLOYEE NAME-MIDDLE	J	40	PAY LOCATION	000
06	MAILING ADDRESS STREET/BOX/APT	18 MIAMIVIEW DR	41	RURAL CARRIER ROUTE	00002
07	MAILING ADDRESS-CITY	LOVELAND	42	RURAL CARR-LRTE-ID	
08	MAILING ADDRESS-STATE	OH	43	RURAL CARR-PAY TYPE	K - 5 DAY HEAVY ROUTE
09	MAILING ADDRESS-ZIP+4	45140	45	RURAL CARR-FLSA	B
10	DATE OF BIRTH	04-05-1980	46	RURAL CARR-COMMIT	Y
11	VETERANS PREFERENCE	1 - NO PREFERENCE	47	RURAL CARR-EMA	G - GOVERNMENT VEHICLE
12	SEX		48	RURAL CARR-HOURS	46
13	ETHNICITY - RACE		49	RURAL CARR-MILES	24
14	DISABILITY		50	JOB SEQUENCE	
15	LEAVE COMP DATE	02-07-2015	51	OCCUPATION CODE	2325-01XX
16	ENTER ON DUTY DATE	04-29-2006	52	POSITION TITLE	RURAL CARRIER
17	RETIREMENT COMP DATE	02-07-2015	53	LABOR DIST CODE	2500
18	SERV ANNIVERSARY PPYR		54	DESIGNATION/ACTIVITY	71/0
19	TSP ELIGIBILITY		55	POSITION TYPE	1 - FULL TIME
20	TSP SERVICE COMP DATE	02-07-2015	56	TOUR HOURS	0
21	PRIOR CSRS SERVICE		57	ALLOWANCE CODE	
22	FROZEN CSRS TIME		58	EMPLOYMENT TYPE	
SALARY INFORMATION					
23	LEAVE DATA-CATEGORY	6.00 - HOURS/PP	59	PAY RATE CODE	P
24	LEAVE DATA-CHG PPYR	05 2030	60	RATE SCHEDULE CODE	R - RURAL
25	LEAVE DATA-TYPE	1 - ADVANCE AL - EARN SL	61	GRADE/STEP	00/03
26	CREDIT MILITARY SERV	0000	62	BASE SALARY	72,486.00
27	reserved for future use		63	COLA	0.00
28	RETIREMENT PLAN	E - FERS-FRAE	64	COLA ROLL-IN IND	
29	EMPLOYMENT STATUS		65	NEXT STEP PPYR	06 2022
30	LIFE INSURANCE	C0 - Basic Only	66	MERIT ANNIV DATE	
31	SPECIAL BENEFITS		67	MERIT LUMP SUM	0.00
POSITION INFORMATION					
32	EMPLOY OFFICE-FIN NO	38-4620	68	SPECIAL SALARY CODE	
33	EMPLOY OFFICE-NAME	LOVELAND PO	69	PROTECTED RSC	
34	EMPLOY OFFICE-ADDRESS	LOVELAND OH 45140-9998	70	PROTECTED GRADE/STEP	/
35	DUTY STATION-FIN NO	38-4620	71	EXPIRATION PPYR	
36	DUTY STATION-NAME	LOVELAND PO	72	PROTECTED RC HOURS	00
37	APPT EXPIRATION DATE		73	PROTECTED RC MILES	000
			74	RC GUARANTEED SALARY	0.00
			75	ANNUITY AMOUNT	0.00
NATURE OF PERSONNEL ACTION					
77	NATURE OF ACTION CODE	893	78	AUTHORITY	39-USC Sect 1001
79	DESCRIPTION	STEP INCREASE			
80	CODE 512	81	CODE	82	CODE
83	CODE	84	CODE	85	CODE
84	REMARKS				
PERSON ID:03611244 PERS ASSGN:03611244 THIS ACTION CHANGES DUE DATE FOR ADVANCEMENT TO NEXT HIGHER STEP.					
85	AUTHORIZATION MANAGER, HUMAN RESOURCES SHARED SERVICE CENTER	86	PROCESSED DATE	04-26-2021	
		87	PERSONNEL OFFICE ID		
		88	OFF LOCATION		

PS Form 50, January 2009 (Exception to Standard Form 50)

OFF COPY



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Office of Federal Operations
P. O. Box 77960
Washington, D.C. 20013

Memorandum

TO: Federal Sector EEO Directors & Officials

FROM: Carlton M. Hadden
Director, Office of Federal Operations

Carlton M. Hadden

Digitally signed by Carlton M. Hadden
DN: cn=Carlton M. Hadden, ou=EEOC-OfO,
email=carlton.hadden@eEOC.gov, c=US
Date: 2020.07.26 13:09:27 -04'00'

SUBJECT: Update – April 6, 2020 Memorandum on Processing Information

We issued a memorandum dated April 6, 2020 regarding the processing of federal sector EEO complaints covered by 29 CFR Part 1614 in consideration of the National Emergency. The memorandum is attached for your ease of reference.

The EEOC reiterates its appreciation of the critical work of federal EEO professionals during this time of challenge due to the Coronavirus (COVID-9). Your dedication is essential to ensuring access to the federal sector EEO process for all who need to utilize it.

The EEOC previously recognized that, because of the National Emergency, applicants who utilize the EEO complaint process might have faced challenges that precluded them from meeting the regulatory timeframes set forth in 29 CFR Part 1614.

Using phased approaches, several agencies and organizations have resumed fuller operations. EEOC believes that there are now fewer issues related to access to counsel and the Courts, and that further delays could negatively impact applicants' ability to protect and exercise their rights effectively.

Therefore, we are adjusting three of the instructions set forth in the April 6, 2020, memo. As discussed in further detail below, EEOC is instructing agencies to return to issuing final actions in the usual manner, unless there are compelling reasons not to do so. Effective Monday, July 27, 2020, EEOC will also expand its issuance of appellate decisions.

Instruction 6 provided as follows:

The EEOC is deeply concerned about protecting (and committed to ensuring every federal employee continues to have) all their rights during this time of National Emergency. To that end, EEOC asks agency EEO offices to continue counseling employees, accepting their discrimination complaints, and investigating these complaints to the fullest extent possible without undermining mission-critical functions. We ask agencies not to issue final actions on any EEO complaint, unless the investigation is complete, and the Complainant has requested that the final action be issued.

Instruction 7 provided as follows:

EEOC will continue to prepare appellate decisions but will not mail those decisions. A Complainant who provides an e-mail address and waives first class mailing may request the decision via e-mail to ofo.eeoc@eeoc.gov. The Commission is extremely cognizant of preserving a party's right to file a civil action in U.S. District Court. Given the current National Emergency, the Commission is suspending issuance of all appellate decisions via the U. S. mail until further notice in order to best preserve those rights.

Instruction 8 provided as follows:

Until further notice, OFO does not have access to U.S. Mail; rather, we ask that all submissions and communications from both agencies and complainants be digital, via the Public Portal/FEDSEP. We ask those who submitted items via U.S. Mail on or after March 6, 2020 to resubmit them via the Public Portal/FEDSEP.

The Instructions, noted above, are modified as follows:

Instruction 6 as modified, follows:

The EEOC remains deeply concerned about protecting (and committed to ensuring every federal employee continues to have) all their rights during this time of National Emergency. To that end, EEOC asks agency EEO offices to continue counseling employees, accepting their discrimination complaints, and investigating these complaints to the fullest extent possible without undermining mission-critical functions. Agencies should return to issuing final actions.

Instruction 7 as modified, follows:

EEOC is expanding issuance of appellate decisions. While the complainant may receive the appellate decision via U.S. Mail, a complainant who has an account with EEOC's Public Portal, may waive receipt via U.S. Mail, and receive the decision via the EEOC Public Portal. Please note that there may be delays in the issuance of decisions sent by first class mail depending on staff access to EEOC's headquarters. Federal agencies will receive the appellate decision via the FedSEP digital platform.

Instruction 8 as modified, follows:

While OFO has limited access to U.S. Mail; parties are encouraged to utilize the Commission's digital platforms, such as the EEOC Public Portal or FedSEP, to communicate with OFO.

With the exceptions of the modifications noted above, the Instructions as set forth in the April 6, 2020 memorandum continue to remain in effect.

Each agency subject to the regulations at 29 CFR Part 1614 is directed to forward a copy of this update and notice, using the most effective available method, to each Complainant with a pending EEO matter and to each person who hereafter contacts an agency EEO counselor or otherwise enters into the agency's EEO process.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Office of Federal Operations

P. O. Box 77960

Washington, D.C. 20013

April 6, 2020

Memorandum

TO: Federal Sector EEO Directors & Officials

Carlton M. Hadden

Digitally signed by Carlton M. Hadden
DN: cn=Carlton M. Hadden, o=Office of Federal
Operations, ou=EEOC OFO,
email=carlton.hadden@eEOC.gov, c=US
Date: 2020.04.08 12:01:03 -04'00'

FROM: Carlton M. Hadden
Director, Office of Federal Operations

SUBJECT: Processing Information for All Parties in Federal EEO Processing under 29 CFR Part 1614

In light of the National Emergency declared by the President due to the Coronavirus (COVID-19), the U.S. Equal Employment Opportunity Commission's (EEOC) Office of Federal Operations (OFO) is issuing the following instructions regarding the processing of federal sector EEO complaints covered by 29 CFR Part 1614.

The EEOC recognizes this crisis affects all federal employees, complainants, and others involved in the EEO process. We appreciate the dedication of federal EEO professionals throughout the federal government and we further recognize that the centerpiece of our efforts are the employees, applicants, and former employees who believe they have experienced employment discrimination and access our regulatory process for assistance. Nevertheless, the federal government remains open and committed to providing mission-critical services to the greatest extent possible, given the limitations inherent in the current environment.

The EEOC also recognizes that, because of the National Emergency, applicants who utilize the EEO complaint process may face challenges that preclude them from meeting the regulatory timeframes set forth in 29 CFR Part 1614.

The EEOC must balance its duty to ensure that the EEO process continues efficiently and effectively, without compromising the safety of federal employees or the rights or safety of complainants and others involved in the EEO process.

The EEOC expects that agencies and employees will continue to process EEO complaints in a timely manner that will best preserve the legal rights of the parties involved, unless doing so would interfere with mission-critical operations for an agency. Accordingly, the Office of Federal Operations is issuing the following instructions, which will remain in effect until further notice:

1. Agencies will continue all counseling, investigations and other complaint processing set forth in 29 CFR Part 1614, except in circumstances meeting the criteria described below.
2. To the extent practicable, regulatory timeframes concerning the processing of federal sector EEO complaints will continue to be met, wherever feasible. For this purpose, practicable means where the agency and complainant have access to needed witnesses, documents and representation, and where such processing will not interfere with the mission- critical operations of the agency.
3. The regulatory timeframes set forth in 29 C.F.R. Part 1614 will be subject to the equitable tolling provisions set forth in 29 C.F.R. §1614.604(c). Absent mutual agreement, agencies and complainants will be required to document in the record the reason(s) why tolling any of the time limits set forth in 29 CFR Part 1614 is necessary. Such justification will fully be considered by the Commission in any appeal raised in the matter.
4. Agencies and complainants are encouraged to seek mutual agreement with respect to the extension of any timeframes. Where such agreements are reached, they should be reduced to writing and made part of the record. OFO will honor such agreements on appeal, unless they are clearly onerous to one party or otherwise violate the standards for equitable tolling, waiver or estoppel.
5. EEOC Administrative Judges will continue to manage the hearings program. Administrative Judges will continue to hold conferences, manage discovery, refer cases to ADR and settlement, issue summary judgment decisions and, where appropriate, hold hearings and issue decisions. In light of the National Emergency, either party can seek an extension or other relief from any deadline for good cause shown.
6. The EEOC is deeply concerned about protecting (and committed to ensuring every federal employee continues to have) all their rights during this time of National Emergency. To that end, EEOC asks agency EEO offices to continue counseling employees, accepting their discrimination complaints, and investigating these complaints to the fullest extent possible without undermining mission-critical functions. We ask agencies not to issue final actions on any EEO complaint, unless the investigation is complete and the Complainant has requested that the final action be issued.
7. EEOC will continue to prepare appellate decisions but will not mail those decisions. A Complainant who provides an e-mail address and waives first class mailing may request the decision via e-mail to ofo.eeoc@eeoc.gov. The Commission is extremely cognizant of preserving a party's right to file a civil action in U.S. District Court. Given the current National Emergency, the Commission is suspending issuance of all appellate decisions via the U. S. mail until further notice in order to best preserve those rights.

8. Until further notice, OFO does not have access to U.S. Mail; rather, we ask that all submissions and communications from both agencies and complainants be digital, via the Public Portal/FEDSEP. We ask those who submitted items via U.S. Mail on or after March 6, 2020 to resubmit them via the Public Portal/FEDSEP.
9. The Commission supports and encourages the use of digital documents and electronic signatures. A digital document used by a person, agency, or other entity shall have the same force and effect as those documents not produced by electronic means. “Electronic signature” means any digital symbol, sound, or process attached to or logically associated with a digital record and executed or adopted by a person with the intent to sign the record.
10. Each agency subject to the regulations at 29 CFR Part 1614 is directed to forward a copy of this notice, using the most effective available method, to each Complainant with a pending EEO matter and to each person who hereafter contacts an agency EEO counselor or otherwise enters into the agency’s EEO process.
11. For more Commission information and resources, please go to our COVID-19 information links at: <https://www.eeoc.gov/coronavirus>

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USPS Corporate
Accounts

May 24, 2021



USPS Tracking Intranet Tracking Number Result



Price Change 1/26/2020:

USPS Premium Tracking: USPS will offer a fee-based service to extend the availability of tracking data on domestic competitive products for an additional 6 months up to 10 years. In addition, customers can also request a Premium Tracking Statement via email.

The Manual Entry Acceptance screen will be modified to use the Pricing Engine for all rates calculations. Users will no longer enter fees for Collect on Delivery (COD) and Additional Insurance. Instead, users will enter the dollar amount to be collected for COD or the insured value for Insurance.

Result for Domestic Tracking Number 9410 8036 9930 0136 4208 11

Tracking Expires On
May 4, 2022

Destination and Origin

Destination

ZIP Code	City	State
45140	LOVELAND	OH

Origin

ZIP Code	City	State
45211	CINCINNATI	OH

Tracking Number Classification

Class/Service

Class/Service: Priority Mail Signature Confirmation
Class of Mail Code/Description: PM / Priority Mail®

Destination Address Information

Address: 18 MIAMIVIEW DR
City: LOVELAND
State: OH
5-Digit ZIP Code: 45140
4-Digit ZIP Code add on: 2720
Delivery Point Code: 18
Record Type Code: Street Record
Delivery Type: Residential, Other

Origin / Return / Pickup Address Information

Address: 1623 DALTON AVE RM 423
City: CINCINNATI
State: OH
5-Digit ZIP Code: 45234
4-Digit ZIP Code add on: 8902
Delivery Point Code: 23
Record Type Code: Street Record
Delivery Type: Business, Sidewalk

Shipping Services File

Shipping Services File Number: 9475 9036 9930 0007 0489 06
Date/Time Tendering Mail: 05/04/2021 00:00
Shipping Services File Type: 2 - Tracking File
Shipment Accepted: No

Service Delivery Information

Service Performance Data: Expected Delivery by: Wednesday, 05/05/2021
Zone: 01
PO Box: N
Other Information: Service Calculation Information

Payment

Payment Type: Postage Affixed
 Payment Account Number: 0000000000
 Postage: \$7.95
 Weight: 1 lb(s) 1.00 oz(s)
 Rate Indicator: Flat Rate Envelope

[Agent Information](#)

[Request Internal USPS Tracking Plus Statement](#)

Extra Services

Extra Services Details

Description	Amount
Signature Confirmation	\$2.70
Up to \$50 Insurance Included	\$0.00

Events

Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
DELIVERED, LEFT WITH INDIVIDUAL	01	05/06/2021	09:35	LOVELAND, OH 45140	Scanned	MDO 18314D81B2 (Interface type - wireless)	Scanned by route 3140C023	05/06/2021 08:40:31	Facility Finance Number: 384628 Recipient Name: E POWELETT Request Delivery Record View Delivery Signatures and Address <small>GET Location Data Available</small>
OUT FOR DELIVERY	OF	05/06/2021	06:10	LOVELAND, OH 45140	System Generated			05/06/2021 06:02:42	
SORTING/PROCESSING COMPLETE	PC	05/06/2021	06:00	LOVELAND, OH 45140	System Generated			05/06/2021 06:02:20	
ARRIVAL AT UNIT	07	05/06/2021	04:53	LOVELAND, OH 45140	Scanned	PASS-001	Destined to route C023	05/06/2021 04:00:15	OFD Same Day
IN TRANSIT TO NEXT FACILITY	NT	05/06/2021	18:04		System Generated			05/06/2021 17:30:08	
ACCEPT OR PICKUP	03	05/04/2021	17:04	CINCINNATI, OH 45211	Scanned	MDO 15023D638C (Interface type - wireless)	Scanned by route 5211C058	05/04/2021 16:08:07	Facility Finance Number: 381832 GED Location Data Available
PRE-SHIPMENT INFO SENT TO USPS	MA	05/03/2021	14:31	CINCINNATI, OH 45234	Manifest Generated		Destined to route C023	05/03/2021 14:31:04	

Enter up to 35 items separated by commas.

Select Search Type:

Product Tracking & Reporting, All Rights Reserved
 Version: 21.3.1.1.32

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USPS Tracking Intranet

Delivery Signature and Address

**Price Change 1/26/2020:**

USPS Premium Tracking: USPS will offer a fee-based service to extend the availability of tracking data on domestic competitive products for an additional 6 months up to 10 years. In addition, customers can also request a Premium Tracking Statement via email.

The Manual Entry Acceptance screen will be modified to use the Pricing Engine for all rates calculations. Users will no longer enter fees for Collect on Delivery (COD) and Additional Insurance; instead, users will enter the dollar amount to be collected for COD or the insured value for Insurance.

Tracking Number: 9410 8036 9930 0138 4208 11

This item was delivered on 06/08/2021 at 09:35:00

[Return to Tracking Number View](#)

Signature	C-19 Rt 23 Or E. Powell
Address	18 MIAMIVIEW DR LOVELAND, OH 45140

Enter up to 35 items separated by commas.

Select Search Type:

Product Tracking & Reporting, All Rights Reserved
Version: 21.3.1.1.32



May 4, 2021

Priority Signature Confirmation #: 9410803699300136420811

Subject: Notice of Right to File
EEO Case No.: 4J-450-0002-21

Dear Mr. Poweleit:

This letter is to notify you that I have concluded the processing of your claim of discrimination initiated on 02/17/2021 and 04/21/2021.

In this matter you allege discrimination based on Sex (LGBT) when on: 1) 01/21/2021 Supv. Malone threatened you with discipline; 2) 02/17/2021 Supv. Malone informed you of a false statement he'd written concerning an incident; 3) 04/02/2021 Management put a lock on the women's restroom; 4) 04/05/2021 Postmaster Maggard yelled and humiliated you; 5) 04/14/2021 PM Maggard informed you that you were being placed on Emergency Placement (EP).

An initial inquiry was conducted, and the following statement(s) were provided:

Management stated it has taken several steps to assist Mr. Poweleit with the accommodations he's requested. Management stated that on 04/14/2021 Mr. Poweleit was placed on Emergency Placement after they became aware that he'd made statements at work that were in direct violation of the Zero Tolerance Policy.

At this time there is no resolution to your counseling request. You have two options available to you. You can do nothing at which point your inquiry will expire and no further action will be taken on your counseling request or you can elect to file a formal complaint.

If you opt to file a formal complaint, you have 15 days from the date of receipt of this letter to file a timely formal complaint. Your complaint could be subject to dismissal in accordance with 29 CFR Part 1614.107 if not filed within the 15 day time limit. Your complaint will be deemed timely if it is postmarked before the expiration of the 15 day time limit. The Complaint must be specific and contain only those issues either specifically discussed with me or issues that are like or related to the issues that you discussed with me.

Enclosed are the required forms if you wish to pursue your complaint further through the EEO process. If you choose to file a formal complaint, you must complete, sign, and date PS Form 2579-A and PS Form 2565 and return them to the following address:

**NEEOISO-Formal Complaint
U.S. Postal Service
P.O. Box 21979
Tampa, FL 33622-1979**

You are **not** permitted to use a penalty envelope to submit your formal complaint. You will receive written acknowledgment of your formal complaint.

As a reminder, it is your responsibility to immediately notify NEEOISO, U. S. Postal Service, PO Box 21979, Tampa, FL 33622-1979, of any changes to your mailing address. If you designate or change your EEO representative, it is your responsibility to advise NEEOISO, in writing, of that person's name, title, mailing address, and phone number.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Jo Ann Hutton

Jo Ann Hutton
1623 Dalton Avenue, Rm 423
Cincinnati OH 45234-8902
513-684-5461
jo.a.hutton@usps.gov

Enclosures: PS Form 2579-A
PS Form 2565

cc: Case File
4J-450-0002-21



EEO Complaint of Discrimination in the Postal Service

(See Instructions and Privacy Act Statement on Reverse)

1. Name Eric Poweleit		2. SSN or EIN if Applicant	3. Case No. 4J-450-0002-21
4a. Mailing Address (Street or P.O. Box)		4b. City, State, and Zip + 4	
5. Email Address *		6. Home Phone ()	7. Work Phone ()
8. Position Title (USPS Employees Only)	9. Grade Level (USPS Employees Only)	10. Do You Have Veteran's Preference Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Installation Where You Believe Discrimination Occurred (Identify Installation, City, State, and Zip+4)		12. Name & Title of Person(s) Who Took the Action(s) You Allege Was Discriminatory	
13a. Name of Your Designated Representative		13b. Title	
13c. Mailing Address (Street or P.O. Box)		13d. City, State, and ZIP + 4	
13e. Email Address *		13f. Home Phone ()	13g. Work Phone ()
* Providing this information will authorize the Postal Service to send important documents electronically.			
14. Type of Discrimination You Are Alleging <input type="checkbox"/> Race (Specify): <input type="checkbox"/> Color (Specify): <input type="checkbox"/> Religion (Specify): <input type="checkbox"/> National Origin (Specify): <input type="checkbox"/> Sex (Specify Male, Female): <input type="checkbox"/> Sex (LGBT): <input type="checkbox"/> Age (40+) (Specify Date of Birth): <input type="checkbox"/> Retaliation (Specify Prior EEO Activity): <input type="checkbox"/> Disability (Specify): <input type="checkbox"/> Genetic Information (Specify):			15. Date on Which Alleged Act(s) of Discrimination Took Place
16. Explain the specific action(s) or situation(s) that resulted in you alleging that you believe you were discriminated against (treated differently than other employees or applicants) because of your race, color, religion, sex, age (40+), national origin, genetic information or disability. <u>Note that if your allegation is like or related to a previous complaint, that complaint may be amended. 29 C.F.R. § 1616.106(d)</u>			
17. What Remedy Are You Seeking to Resolve this Complaint?			
18. Did You Discuss Your Complaint with an EEO Alternative Dispute Resolution (ADR) Specialist or a REDRESS Mediator? <input type="checkbox"/> Yes Date you received the Notice of Final Interview: _____ <input type="checkbox"/> No			
19a. Signature of Dispute Resolution Specialist / Signature Confirmation # 9410803699300136420811 <i>Jo Ann Sutton</i>			19b. Date 05/04/2021
20. Signature of Complainant or Complainant's Attorney			21. Date of this Complaint



Notice of Right to File Individual Complaint

TO: Name (First, MI, Last)

Re: Case No.

Eric Poweleit

4J-450-0002-21

This notice will attest to the fact that on 05/03/2021 I advised you of the actions taken concerning the alleged discrimination that you brought to my attention. If the matters that you raised during the pre-complaint processing stage have not been resolved, you have the right to file a formal complaint within 15 calendar days of the date you receive this notice. If you decide to file a formal complaint, your complaint must be put in writing and signed by you or your attorney, if you retained one to represent you. I am providing you with **PS Form 2565, EEO Complaint of Discrimination in the Postal Service**, for this purpose. Your complaint must be delivered to:

NEEOISO – Formal Complaints
U.S. POSTAL SERVICE
P.O. BOX 21979
TAMPA FL 33622-1979

Your complaint will be deemed timely filed if it is received at this address before the expiration of the 15-day filing period, or if it bears a postmark that is dated before the expiration of the filing period. In the absence of a legible postmark, it must be received by mail within 5 calendar days of the expiration of the filing period.

An EEO discrimination complaint can be processed only if the complainant alleges he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age (40+), disability, genetic information or retaliation for past EEO activity. In addition, courts have ruled the complainant has the burden of presenting evidence which would give rise to an inference of discrimination. A complaint must contain the following information:

- (1) **Your name, address, position, and level;**
 - If you change your address, you have a regulatory requirement to immediately report the change to the address below:
NEEOISO-EEO Contact Center, U.S. Postal Service, P.O. Box 21979, Tampa FL 33622-1979
- (2) **The specific action or matter complained of, the date of occurrence, and the names of the official(s) who took the alleged discriminatory action at issue in this complaint;**
- (3) **The specific type of discrimination alleged, e.g., race – African American, sex - female, etc.;**
 - If you allege disability discrimination, the alleged disability must be more than a temporary condition.
 - If you allege age discrimination, you must have been at least 40 years of age on the date the alleged discriminatory action occurred.
- (4) **A brief statement of the facts that led you to believe you were discriminated against and the names of similarly situated individuals whom you believe were treated differently than you.**
 - If you allege a failure to accommodate a disability or your religion, you must explain the accommodation sought and why you sought it.
 - If you allege retaliation, you must show a connection between the action about which you are complaining and your participation in protected EEO activity. You must also show that when the alleged discriminatory action at issue in this complaint occurred, the management official who took the action was aware that you had previously engaged in protected activity.
- (5) **The name of the EEO Dispute Resolution Specialist who provided you with this notice and the date you received this Notice of Right to File.**

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.633a; The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a

congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Dispute Resolution Specialist	Date Issued	Your Signature	Date Received
<i>Jo Ann Cutton</i>	05/04/2021		

Alternative Dispute Resolution Specialist: If you are mailing this Notice, you must send it by Priority Mail, Signature Confirmation Delivery

PS Form 2579-A, October 2015

CERTIFICATE OF SERVICE

I certify that on this date that PS Form 2579-A, Notice of Right to File Individual Complaint, with attachments, was mailed to the following parties at the mailing addresses listed below:

Eric Poweleit
18 Miamiview Dr
Loveland OH 45140-2720

Signature Delivery Confirmation
9410803699300136420811

Jo Ann Hutton

EEO ADR Specialist

05/04/2021

Date

4J-450-0002-21



Withdrawal of Complaint of Discrimination

Case Number

4C-450-0021-21

I do hereby voluntarily withdraw: *(Select one of the following.)*

☐ My request for EEO counseling or my formal EEO complaint in its entirety;

Or

☐ The following allegation(s):

I fully understand that by withdrawing the complaint or allegation(s), I am waiving my rights to any further appeal of this complaint or allegation(s) through the EEO process. I further stipulate that my withdrawal did not result from harassment, threat, coercion, intimidation, promise, or inducement.

Privacy Act Statement and Rehabilitation Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service* (USPS*) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies visit www.usps.com/privacypolicy.

Rehabilitation Act Notice: Under the Rehabilitation Act, medical information is confidential and may only be requested or disclosed in very limited circumstances. Medical documentation about the complainant's and possible comparison employees' medical conditions and work restrictions may be requested in connection with the investigation of an EEO complaint. Information about medical restrictions (but not medical conditions) obtained in the course of an EEO investigation may be disclosed to supervisors and managers who need to know about restrictions on the work or duties of the employee and about necessary accommodations. Supervisors and managers are not permitted to share such information with peers or subordinates or to discuss the information with those who have no need to know and whose requests for the information are not job-related and consistent with business necessity.

Signature of Claimant

Print Name of Claimant

Date	
------	--



U.S. Postal Service®

Agreement to Participate in REDRESS™, an Alternate Dispute Resolution Process

Case No.

4J-450-0002-21

Date Initiated

February 17, 2021

I have been advised that, in accordance with 29 C.F.R. §1614.105(f), I have the option of participating in mediation instead of the counseling process. The EEO complaints processing office has given me information about the mediation procedure, and I voluntarily agree to participate in REDRESS™ mediation during the pre-complaint processing period. I am aware that REDRESS mediation sessions are confidential, and that resolutions reached during the procedure are handled in the same manner as are resolutions reached during the counseling process. In signing this agreement, I acknowledge that the pre-complaint processing period will be 90 calendar days. If the matter that I brought to the dispute resolution specialist's attention has not been resolved before the 90th day, I have the right to file a formal complaint at any time thereafter up to 15 calendar days after receiving my notice of right to file a discrimination complaint.

Privacy Act Statement

Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service™ (USPS®) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local, or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies, visit www.usps.com/privacypolicy.

Signature of Counselee

E-SIGNED by Eric (Jamie) Poweleit
on 2021-03-08 20:03:01 CST

Print Name

Eric Poweleit

Date

PS Form **2567-B**, March 2012



AGREEMENT TO MEDIATE

Case Name: Eric J. PoweleitCase No. 4J-450-0002-21

1. The parties agree to try to resolve this case through mediation. The parties understand that settlement during mediation is entirely voluntary.
2. The parties understand that the mediator has no power to decide who wins or loses this case and will not express an opinion on who is right or wrong. Rather, the mediator is going to try to help the parties reach their own resolution of this case by facilitating the discussion.
3. The parties understand that the mediator is not going to act as an advocate or attorney for any participant and that each party has the right to have a representative during mediation.
4. The parties understand that the purpose of mediation is to explore whether the parties can reach a resolution, not to gather information for a hearing or trial. The parties agree not to subpoena the mediator or any observer to testify about what was said in mediation.
5. The mediator and all observers agree not to voluntarily testify on behalf of any party and will not report anything said during this mediation UNLESS one of the participants makes a genuine threat of physical harm, reports criminal activity occurring on postal property, reports fraud or abuse of postal property or suspected child or elder abuse.
6. The mediation session will not be recorded by anyone (either video or audio) and no transcript of the session will be produced.
7. The parties understand that any documents prepared for or during mediation (such as case summaries presented to the mediator or notes taken during mediation) are for settlement purposes only and may not be subpoenaed for, or used in, a hearing or trial. Documents that existed before mediation, such as PS Form 3971s or Official Personnel Files, are NOT shielded from later use or disclosure just because they were discussed or used at mediation.
8. The parties understand that no participant will be bound by anything said or done in mediation unless and until there is a written settlement agreement.

Eric Poweleit Eric Poweleit 4/13/21
Eric J. Poweleit, Counselee (Print, Sign, and Date)

Counselee Representative (Print, Sign, and Date)

Jessica Maggard Jessica Maggard 4/13/21
Jessica Maggard, Management Official (Print, Sign, and Date)

Larry Malone 4/13/2021
Larry Malone, Management Official (Print, Sign, and Date)

Jessica Maggard Jessica Maggard 4/13/21
Kathy Traverse, Management Official's Representative (Print, Sign, and Date)

Damita Jo Ramsey 4/13/2021
Damita Jo Ramsey, Mediator (Print, Sign, and Date)

Sammy McVee 4/13/2021
Observer,

for
Kathy Tral
on phone



NO AGREEMENT LETTER

Date: April 13, 2021

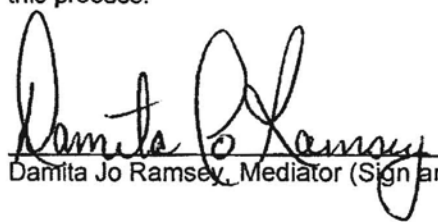
Counselee/Complainant: Eric J. Poweleit

EEO Case No.: 4J-450-0002-21

District: Ohio Valley

Counselee Eric J. Poweleit and Management Officials Larry Malone, Jessica Maggard, and Kathy Traverse appeared for their scheduled mediation on April 13, 2021.

We appreciate their participation; unfortunately, they were unable to resolve their dispute through this process.

 4/13/2021

Damita Jo Ramsey, Mediator (Sign and Date)

No Agreement Letter

National EEO Investigative Services Office



**UNITED STATES POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY
IN THE MATTER OF:**

ERIC POWELEIT

18 Miamiview DR
Loveland, OH 45140-2720
Complainant,

USPS Tracking No. Complainant:
9114 9014 9645 1911 6254 51

v.

Agency Case Number: 4J-450-0002-21

LOUIS DEJOY

Postmaster General
United States Postal Service
Central Retail & Delivery Area
Agency.

Date Formal Filed: May 14, 2021

ACCEPTANCE FOR INVESTIGATION

The agency acknowledges the receipt of the formal complaint of discrimination referenced above. Enclosed is PS Form 2570, EEO Dispute Resolution Specialist's Inquiry Report. Your complaint has been accepted for investigation. The scope of the investigation will include the following issue(s) only:

Specific Issue(s): You alleged you were subjected to discriminatory harassment based on Sex (LGBT) when:

1. On January 21, 2021 your Supervisor threatened you with discipline and then on February 17, 2021 he provided you with the statement he wrote concerning the January 21st incident, which you believe contains false information;
2. On April 2, 2021, Management put a lock on the women's restroom;
3. On April 5, 2021, the Postmaster humiliated you; and
4. On April 14, 2021, the Postmaster informed you that you were being placed on Emergency Placement.

NOTE: If your complaint involves an allegation of age discrimination, the Postal Service is required by the Age Discrimination in Employment Act of 1967, as amended, to advise you that you may consult with an attorney should you desire to do so before signing any agreement resolving your complaint of age discrimination.

If you do not agree with the accepted issue(s) as defined above, you must provide a written response specifying the nature of your disagreement within seven (7) calendar days of the date of your receipt of this letter. Your response must be addressed to the undersigned EEO Services Analyst at NEEOISO, P. O. Box 21979, Tampa, FL 33622-1979. You are reminded that any notification of disagreement with the defined accepted issues is not an opportunity or forum to raise additional, unrelated allegations of discrimination. Additional unrelated issues

- 2 -

must be pursued through the established EEO procedures described in Poster 72 which is displayed on the employee bulletin boards at your local installation.

Your case will be assigned for investigation. Please be prepared to go forward with your case and provide an affidavit when the Investigator contacts you in the near future.

The investigation of the accepted issues will be completed within 180 calendar days of the date of your filing of the complaint, except that the complainant and the Postal Service may voluntarily agree, in writing, to extend the time period up to an additional 90 calendar days. Should you seek to amend the complaint, the amendment will extend the time for processing an additional 180 days from the date of the amendment with the total allowable time for processing the complaint and all amendments no more than 360 days.

If you have a grievance pending on the same issue(s) as those addressed in your complaint of discrimination, the agency may, at its discretion, defer the processing of this complaint until the grievance procedure has run its course and there has been a final resolution of the grievance. When an investigation is deferred, pending the outcome of the grievance process, the 180-day time period for processing the complaint is stopped temporarily, and does not restart until the grievance is resolved. If your complaint is deferred, you will be notified, in writing, of the options which may be available to you as a result.

When the investigation is completed, you will receive a copy of the investigative report and you will be notified of your right to request a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge **or** of your right to a final decision by the agency head or designee without a hearing. **Please note: your investigative report will be sent to you via priority mail, signature confirmation and will require you to sign for receipt.** You may request a final agency decision without a hearing, at the appropriate time, by addressing your request to NEEOISO-FADS, P.O. Box 21979, Tampa, FL 33622-1979.

You may request a hearing by an EEOC Administrative Judge by notifying, in writing, the Equal Employment Opportunity Commission at the following address:

Hearings Unit
EEOC Indianapolis District Office
101 W. Ohio St. #1900
Indianapolis, IN 46204-4203

You must make your hearing request within 30 calendar days of your receipt of the investigative report and you must provide the Manager NEEOISO-Hearings, P.O. Box 21979, Tampa, FL 33622-1979 with a copy of that hearing request. If you do not receive your investigative report and notification concerning your appeal rights within 180 calendar days from the date on which you filed your formal complaint, you may request a hearing by writing directly to the EEOC District Office shown above, with a copy to the Manager NEEOISO-Hearings, P.O. Box 21979, Tampa, FL 33622-1979.

If you are dissatisfied with the Postal Service's final agency decision where there has been no hearing, or with the Postal Service's final action on the decision of an Administrative Judge following a hearing, you have certain appeals rights. You may appeal to the Office of Federal Operations, Equal Employment Opportunity Commission (EEOC), at the address shown below, within 30 calendar days of the date of your receipt of the final agency decision or you

- 3 -

may file a civil action in the appropriate U. S. District Court within 90 calendar days of your receipt of the decision.

You may also appeal a final action by the Postal Service implementing a decision of an Administrative Judge following a hearing within 30 calendar days of the date of your receipt of that final action or you may file a civil action in an appropriate U. S. District Court within 90 calendar days of the date of your receipt of the final action. Finally, you may respond to an appeal by the Postal Service in connection with its final action not to implement a decision of an Administrative Judge following a hearing or you may file a civil action in an appropriate U. S. District Court within 90 calendar days of the date of your receipt of the final action and appeal.

You may file your appeal by several alternative methods. You may use the EEOC's Public Portal located at <https://publicportal.eeoc.gov/>, where you can also upload selected documents, and manage your personal and representative information. You may mail your written appeal to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 77960, Washington, DC 20013-8960 or submit by facsimile to (202) 663-7022. If you use EEOC's Public Portal to file an appeal or submit a brief, you do not need to serve the agency. If you mail or fax your request for an appeal, you must also submit a copy of the appeal or brief to the National EEO Investigative Services Office, NEEISO - FAD, USPS, P.O. Box 21979, Tampa FL 33622-1979 and submit proof to the EEOC that a copy of the appeal and any supporting documentation or brief were also submitted to the NEEISO.

After 180 calendar days from the date of filing your formal complaint, you may file a civil action in an appropriate U. S. District Court if the Postal Service has not issued a final decision on your complaint or if no final action has been taken on a decision by an Administrative Judge.

If you decide to appeal to the Office of Federal Operations, EEOC, you may file a civil action in an appropriate U. S. District Court within 90 calendar days after your receipt of the Office of Federal Operation's decision. If you do not receive a decision on your appeal within 180 calendar days from the date of your appeal, you may file a civil action.

Christine Muringer

Christine Muringer
EEO Services Analyst

June 4, 2021

Date

Enc: PS Form 2570, EEO Dispute Resolution Specialist's Inquiry Report
Report of Investigative File Media Selection Letter



NOTICE OF RESTRICTED USAGE

Access to, and usage of, this EEO complaint file is RESTRICTED by both the Freedom of Information Act and the Privacy Act to: (1) the complainant (and his or her representative), and (2) government officials who must have access to the files to discharge their OFFICIAL duties. The file and its contents must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a (i) (1)).

EEO Investigation Report

1. Processing Office National EEO Investigative Services Office		2. Case No. 4J-450-0002-21		3. Date Filed May 14, 2021	
4. Complainant Name Eric (Jamie) Poweleit		5. Position Title Rural Carrier			
6. Address of Complainant 18 Miami View Dr Loveland, OH 45140-2720		7. Name of Complainant's Supervisor Bryan Mulholland			
		8. Telephone No. (513) 683-8052		9. Email Address Bryan.p.mulholland@usps.gov	
10. Telephone No. 513-600-2915	11. Email Address Jamiepow9@gmail.com		12. Preference Eligible (yes or no) No		13. Mixed Case (yes or no) No
14. Complainant's Postal Facility Loveland Post Office		15. Responding Postal Facility Loveland Post Office			
16. Responding Postal Manager's Name Bryan Mulholland, Jessica Maggard, Lawrence Malone		19. Responding Postal Manager's Address Loveland Post Office 200 Loveland Madeira Rd Loveland OH 45140-2512			
17. Telephone No. 513-683-8052 513-374-5896 513-683-8052		18. Email Address Bryan.p.mulholland@usps.gov jessica.l.maggard@usps.gov Lawrence.l.malone@usps.gov			
Type of Complaint					
20. Race N/A	21. Color N/A	22. Religion N/A	23. Sex Transgender Female	24. National Origin N/A	25. Age (Date of Birth) N/A
26. Physical Disability N/A			27. Mental Disability N/A		
28. Retaliation Based on Previous Activity (Cited Dates and Case Nos.) Date: N/A Case No.: Date: Case No.:			29. Genetic Information Nondiscrimination Act (GINA) N/A		
30. Claim(s): Complainant alleged discrimination based on Sex (Transgender female when: (1) On January 21, 2021 his Supervisor threatened him with discipline and then on February 17, 2021 he provided Complainant with the statement he wrote concerning the January 21st incident, which Complainant believe contains false information, (2) On April 2, 2021, Management put a lock on the women's restroom, (3) On April 5, 2021, the Postmaster humiliated him and (4) On April 14, 2021, the Postmaster informed him that he was being placed on Emergency Placement. Complainant stated he wants education from the "top down" on the needs of transgender employees and education on what transphobia and discrimination against transgender employees is. Complainant stated he would like a new position within the Postal Service addressing the needs and policies towards transgender employees, addressing currently transphobic environments, and preventing future discrimination. He stated he would also like to transfer to a different part of the country.					
31. Complainant's Representative Name None			32. Title N/A		
33. Address of Representative N/A					
34. Investigator's Name (Print or Type) Michael Cox			35. Office Telephone No. 301-399-1250		36. Email Address Michael.L.Cox@usps.gov
37. Postal Address of Investigator PO Box 30 Cobb Island, MD 20625-0001			38. Postal Address of Area Manager of EEO Compliance and Appeals NEEOISO PO Box 21979 Tampa FL 33622-1979		
39. Investigator's Signature 			40. Date Report Completed July 26, 2021		41. Investigator No.

US POSTAL SERVICE
EQUAL EMPLOYMENT OPPORTUNITY

ERIC (Jamie) POWELEIT)

18 Miamiview DR)
Loveland OH 45140-2720)
Complainant)

v.)

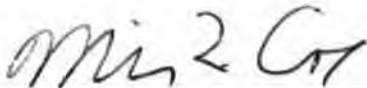
LOUIS DEJOY)
POSTMASTER GENERAL)
Central Retail and Delivery Area)
Agency)

Agency Case No.: 4J-450-0002-21

Date Formal Filed: May 14, 2021

INVESTIGATIVE REPORT

This investigative report was prepared by the undersigned and submitted to the Agency on this 26th day of July 2021.



Mike Cox
EEO Complaints Investigator
PO Box 30
Cobb Island, MD 20625-0001

NOTICE OF RESTRICTED USAGE

Access to, and usage of, this EEO complaint file is **RESTRICTED** by both the Freedom of Information Act and the Privacy Act to: (1) the Complainant (and his or her

representative) and (2) Government officials who must have access to the files to discharge their OFFICIAL duties. The file and its contents must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

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AFFIDAVITS:

- | | | |
|----|---|--|
| A. | Eric (Jamie) Poweleit
Complainant
Sex (Transgender Female)
Sexual Orientation (Bisexual) | Rural Carrier
Loveland Post Office
200 Loveland Madeira Rd
Loveland, OH 45140-2512 |
| B. | Jessica Maggard
Witness
Sex (Female) | Postmaster
Waynesville Post Office
235 Miami St
Waynesville, OH 45068-5000 |
| C. | Lawrence Malone
Witness
Sex (Male) | Supervisor, Customer Service, 17
Loveland Post Office
200 Loveland Madeira Rd
Loveland, OH 45140-2512 |
| D. | Bryan Mulholland
Witness
Sex (Male) | Supervisor, Customer Service, 17
Loveland Post Office
200 Loveland Madeira Rd
Loveland, OH 45140-2512 |

[INVESTIGATOR'S NOTE: Complainant has provided documents that are duplicate or not relevant to the accepted claims; therefore they, will not be summarized in this report but will remain behind his affidavit.]

[INVESTIGATOR'S NOTE: Jessica Maggard has provided documents that are duplicate or not relevant to the accepted claims; therefore they, will not be summarized in this report but will remain behind his affidavit.]

[INVESTIGATOR'S NOTE: Lawrence Malone has provided documents that are duplicate or not relevant to the accepted claims; therefore they, will not be summarized in this report but will remain behind his affidavit.]

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Ohio Valley District Zero Tolerance Policy dated March 2020	138
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Ohio Valley District Sexual Harassment Policy dated March 2020	139
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Eric (Jamie) Poweleit

AGENCY NO. 4J-450-0002-21

PCES Executives Voice of the Employee-Workplace Relationships 140
dated February 18, 1996

Joint Statement on Violence and Behavior in the Workplace 142

EXHIBITS

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2. Standard Job Description Rural Carrier	1
3. PS Form 50 and discipline for Comparator Josh Brett	3
4. PS Form 50 for Comparator John Miller	1
5. Emergency Placement in Off Duty Status dated April 15, 2021	1
6. Applicable cites from the Employee and Labor Relations Manual (ELM), Issue 49, September 2020	21
7. Handbook EL 902 Agreement between the USPS and the National Rural Letter Carriers' Association 2018-2021 in relevant part	7
8. Equal Employment Opportunity Policy Statement	1
9. USPS Policy on Workplace Harassment	2
10. Publication 552, Managers Guide to Understanding, Investigating, and Preventing Harassment	38
11. Publication 553, Employees' Guide to Understanding, Preventing, and Reporting Harassment	16
12. Publication 45 - Achieving a Violence Free Workplace	6

INVESTIGATIVE SUMMARY

Statement of claims and issues to be investigated: Complainant alleged he was subjected to discriminatory harassment based on Sex (Transgender Female) and Sexual Orientation (Bisexual) when:

1. On January 21, 2021 his supervisor threatened him with discipline and then on February 17, 2021 he provided him with the statement he wrote concerning the January 21st incident which he believes contains false information;
2. On April 2, 2021, management put a lock on the women's restroom;
3. On April 5, 2021, the Postmaster humiliated; and
4. On April 14, 2021, the Postmaster informed him that he was being placed on emergency placement.

Remedy Requested: Complainant stated she wants education from the "top down" on the needs of transgender employees and education on what transphobia and discrimination against transgender employees is. Complainant stated she would like a new position within the Postal Service addressing the needs and policies towards transgender employees, addressing currently transphobic environments, and preventing future discrimination. She stated she would also like to transfer to a different part of the country.

AFFIDAVIT TESTIMONY (Sex/Sexual Orientation Allegation)

Complainant testified she was a bisexual, transgender female and the management officials identified in this complaint are aware of her sex and sexual orientation. She testified they became aware in January 2020 when one of her supervisors told her coworkers her transgender status. **[Affidavit A]**

Jessica Maggard testified she was a female. She stated she was unaware of Complainant's sex and sexual orientation. **[Affidavit B]**

Lawrence Malone testified he was a male. He stated he believes Complainant is a male and he became aware from her personnel file and driver's license. He stated he was unaware of Complainant's sexual orientation. **[Affidavit C]**

Bryan Mulholland testified he was a male. He stated he was unaware of Complainant's sex and sexual orientation. **[Affidavit D]**

CLAIM 1: SUPERVISOR THREATENED COMPLAINANT WITH DISCIPLINE AND THEN PROVIDED HIM WITH THE STATEMENT HE WROTE CONCERNING THE JANUARY 21ST INCIDENT WHICH COMPLAINANT BELIEVES CONTAINS FALSE INFORMATION

AFFIDAVIT TESTIMONY (Sex/Sexual Orientation Allegation)

Complainant, Rural Carrier, Loveland Post Office, Loveland OH, testified on January 21, 2021, she was working next to a coworker, and she told him she wanted to commit suicide. Complainant stated due to her own past experiences with suicide she wanted to help her coworker. She maintained she tried to talk to this coworker about counseling and coping methods, but she did not want to talk about it and lashed out at Complainant. Complainant contended Mr. Malone came over to the area and Complainant tried to explain the situation to him, but Mr. Malone refused to listen and accused Complainant of failing to follow orders. Complainant testified Mr. Malone told her to face her case and be quiet multiple times and Complainant repeatedly tried to tell him what his coworker had said. Complainant stated Mr. Malone said he did not care, and he wanted Complainant to be quiet. Complainant attested Mr. Malone asked her why she disobeyed his orders and Complainant told him the needs of an employee's health were more important than Mr. Malone's demands. Complainant maintained she heard nothing else from Mr. Malone about this issue for a couple of weeks until he called Complainant in his office on February 17, 2021, to inform her he wrote a statement of the incident. Complainant contended the statement included false information stating Complainant was yelling at the employee.

Complainant testified she was harmed by this incident because she cannot feel safe trying to help a coworker in need and she also feels she cannot approach management with important issues.

Complainant testified her sex was a factor because her supervisors have made it a point to single her out in every instance. Complainant averred Section 812.51 applied to this claim, and she did not file a grievance. She believes management violated their responsibilities of making sure her coworker was safe. **[Affidavit A]**

[INVESTIGATOR'S NOTE: Complainant was asked why she believed her sexual orientation was a factor but failed to respond to the question.]

Lawrence Malone, Supervisor Customer Service, Loveland Post Office, Loveland OH, testified during the alleged threat, he arrived on the scene at Rural Route #2 and Rural Route #3 at the Loveland Post Office. He contended he was called to the scene because he heard yelling and when he arrived, he witnessed Complainant and another employee arguing which was causing a disturbance. He contended he immediately asked both employees to stop engaging each other and to return to their duties. He recalled Complainant continue to be argumentative and caused them both to start arguing again. Mr. Malone contended he made the decision to remove both employees from the workroom floor and to talk to them in the Postmaster's office. He contended he told both employees that they could return to work if they agreed to stop arguing and if they could not follow those instructions they would both be disciplined. He contended both employees were notified this incident would be documented as an official discussion and no further incidents occur between them it would be thrown out. He

recalled there were no further incidents between the two employees and the official discussion was thrown out at the end of March.

Mr. Malone testified Complainant told him that he was treating her unfairly and continued to argue. Mr. Malone stated he told Complainant he was not going to continue to argue, and that Complainant was given instructions and needed to follow them. Mr. Malone attested Complainant disagreed with the reasons given for the threat of discipline and told him she was only concerned with a fellow coworker.

Mr. Malone affirmed Complainant's sex and sexual orientation were not factors regarding this claim. He averred the ELM; Employees are to work quietly and diligently while on the workroom floor applied to this issue. He testified he was unaware if Complainant filed a grievance. **[Affidavit C]**

CLAIM 2: MANAGEMENT PUT A LOCK ON THE WOMENS BATHROOM

AFFIDAVIT TESTIMONY (Sex/Sexual Orientation Allegation)

Complainant testified after eight months of presenting her "true self" at the post office and using the correct bathroom without any issues, the Postal Service placed a lock on the women's restroom on April 2, 2021. She maintained the lock was only placed on the women's bathroom. She stated when she came to work on April 3, 2021 she was told by coworkers about the lock and she called Ms. Maggard to ask for an explanation. Complainant contended Ms. Maggard told her some of the women in the office did not believe she was a woman. She added Ms. Maggard also told her about concerns with employees changing which never existed before. Complainant testified Ms. Maggard was the management official responsible for placing the lock on the women's bathroom. Complainant maintained she was harmed by this incident because the Postal Service should have educated employees with transphobic views rather than accommodate them. She contended she felt attacked and alienated for her basic bathroom needs.

Complainant testified her sex was a factor because there were no concerns for employees changing in her 15 years prior at the post office. She stated she has never seen anyone getting changed to the point of nudity, so it is clear the lock was placed because she was there. When asked why she believed her sexual orientation was a factor, Complainant stated the Postal Service put a lock on the women's bathroom on April 2, 2021 and placed her on Emergency Placement on April 14, 2021. She added on April 16, 2021 (Two days after her removal) the Postal Service removed the lock from the bathroom.

She averred Section 673 of the Postal Code of Conduct applied to this issue and she did not file a grievance. **[Affidavit A]**

Jessica Maggard, Postmaster, Waynesville Post Office, Waynesville, OH, testified she was the management official responsible for placing a lock on the men's and women's bathrooms. She stated Complainant had not found which gender he was going to

identify as. She maintained she discussed bathrooms with him to see what he thought would help him feel better about the workplace. She contended management did not know if he was a male or a female and he was struggling with which bathroom he should use. She attested she brought up the issue of having a unisex bathroom and Complainant said he felt that would be helpful. Ms. Maggard recalled she left the office in August 2020 and left information for her replacement to put a work order in to make both bathrooms unisex.

Ms. Maggard testified she returned to Loveland Post Office February 2021 and noticed nothing had been changed. She stated she contacted the safety division and both bathrooms were changed into unisex. She noted bathrooms also had changing rooms and maintenance division installed locks on the doors on April 3, 2021. Ms. Maggard recalled she received a call from the Complainant while she was at home and Complainant was upset. She stated she explained to Complainant they discussed the issue, and she was aware locks were being installed because they were unisex bathrooms. She testified Complainant wanted a list of employees who were homophobic. She added on April 5, 2021, Complainant came to her and demanded she get a list of people and she told him there was no list. She maintained Complainant yelled at her and told her she was transphobic. Ms. Maggard testified Complainant did not disagree with the reasons why the locks were placed on the women's bathroom.

Ms. Maggard affirmed Complainant's sex and sexual orientation were not factors regarding this claim. She stated Complainant did not file a grievance regarding this issue, but she did file a complaint with OSHA. **[Affidavit B]**

[INVESTIGATOR'S NOTE: Samuel McKee was named as a witness but his testimony was not obtained because it would not be determinate of a material fact in dispute]

CLAIM 3: THE POSTMASTER HUMILIATED COMPLAINANT

AFFIDAVIT TESTIMONY (Sex/Sexual Orientation Allegation)

Complainant testified on April 5, 2021, she spoke to Ms. Maggard about the bathrooms, and Ms. Maggard was confrontational and raised her voice at Complainant. Complainant contended Ms. Maggard told her she had to worry about everyone's beliefs. Complainant stated she explained to her that their beliefs are transphobic, and Ms. Maggard got on the intercom and told her to go to her case in front of the entire office. Complainant maintained she went to her case and started feeling sick. She testified she told Ms. Maggard she was not feeling well and needed to go home. Complainant contended Ms. Maggard created a scene by yelling at her to fill out a sick leave form. Complainant attested she completed the form and when she was walking out Ms. Maggard yelled "I'm leaving not sick anyway" in front of the whole office again. Complainant stated she was harmed by this issue because she has already been singled out anytime an issue occurs since she "came out". She added she has not been given the same opportunities to speak with her as others have.

Complainant testified her sex was a factor because the concerns of the “cis” gendered regarding the bathrooms were heard without confrontation and accommodated. She contended her concerns were met with confrontation and humiliation. Complainant stated she did not file a grievance. **[Affidavit A]**

[INVESTIGATOR’S NOTE: Complainant did not explain why she believed her sexual orientation was a factor. She explained conversations she had with Ms. Maggard in April 2021.]

Jessica Maggard testified this interaction did not occur as Complainant described. She stated Complainant was mad and called employees homophobic and she asked her to go back to her case. She contended Complainant yelled that she could not work for transphobic people and she does not have to follow instructions. She added Complainant also said she was tired of managements “crap” and she went to try and calm her down. She testified she told Complainant to please go into her case and Complainant started yelling at another employee who was trying to calm her down. Ms. Maggard maintained she got on the intercom and announced to the office everyone needed to get in their case. She attested she told everyone there was no more talking and to do their jobs and get out on the street. She contended Complainant announced to the floor she was leaving and was sick. She asked Complainant to complete a sick leave slip. Ms. Maggard recalled Complainant completed a sick leave slip and threw it on the floor. She added Complainant walked out of the building and yelled, “thanks for all the birthday wishes you transphobic people.”

Ms. Maggard testified Complainant’s sex and sexual orientation were not factors regarding this claim. She averred the Zero Tolerance Policy applied to this issue. She stated Complainant did not file a grievance regarding this issue. **[Affidavit B]**

CLAIM 4: THE POSTMASTER INFORMED COMPLAINANT THAT HE WAS BEING PLACED ON EMERGENCY PLACEMENT

AFFIDAVIT TESTIMONY (Sex/Sexual Orientation Allegation)

Complainant testified Ms. Maggard called her on April 14, 2021 and told her she was being placed on Emergency Placement. She added Mr. Mulholland was also involved. Complainant stated one of her coworkers was having a problem with Complainant being upset about the lock. She contended the coworker told her employees had the right to feel safe and that locking Complainant out was not transphobic. She testified Mr. Mulholland came over and told everyone to be quiet and work. Complainant stated a conversation started again later and an employee started getting loud. Complainant maintained a friend of hers removed him from the situation.

Complainant testified in Charge #1 of her removal, management claimed Complainant said, “I’m going to burn this motherfucker to the ground and take every body down, management the first to go.” Complainant contended she never made those statements.

She testified she has had numerous problems with an employee, and she can only assume she is her “attacker”. She stated Charge 2 of her removal stated she was yelling at management and calling them transphobic and that she failed to follow instructions.

Complainant maintained she was not notified her conduct or performance was not acceptable prior to being informed that she was being placed on Emergency Placement. She testified Ms. Maggard told her she was being placed on Emergency Placement due to her actions on April 3, 2021. Complainant maintained she disagreed with the reason provided because she did nothing wrong on April 3, 2021 to warrant a removal. She stated the Postal Service did not question other employees about the incident until a week after his removal.

Complainant testified her sex was a factor because in each situation she is singled out and targeted. She contended there were many employees involved in the conversations on April 3, 2021, but she was the only person questioned and disciplined. She stated her coworkers have expressed their hateful beliefs in the past and when she has had issues, management never looked into them. She maintained her sexual orientation was a factor because there have been many altercations with other employees due to their homophobia. She testified she went to management about several incidents, and she was the person treated like the problem. Complainant added she reported harassment to management, but she was never taken seriously.

She averred failure to follow federal anti-discrimination laws and the Zero Tolerance Policy applied to this claim. Complainant stated she filed a grievance and it is at Stage 2. **[Affidavit A]**

Jessica Maggard testified she was the management official responsible for placing Complainant on Emergency Placement. She explained Complainant was placed on Emergency Placement because a carrier provided a statement which stated he talked to Complainant on April 2, 2021 and Complainant stated she was going to, “blow this motherfucker up and take management out.” Ms. Maggard explained another incident why Complainant was placed on Emergency Placement. She stated there was an employee who was in a case and Complainant stood behind her and would not let her leave the case. She testified Complainant would follow the female employee around the office to get a reaction from her. She contended both of Complainant’s supervisors had spoken to her about being combative with other employees and told her if there were any other incidents there would be repercussions. Ms. Maggard contended she decided to initiate the Emergency Placement and notified Inspection Service who started an investigation.

Ms. Maggard testified both Mr. Malone and Mr. Mulholland told Complainant her conduct was unacceptable prior to the Emergency Placement. She contended she told Complainant she was being issued the Emergency Placement because her threats violated the Zero-Tolerance Policy. She recalled Complainant did not disagree with the reason given.

Ms. Maggard testified Complainant's sex and sexual orientation were not factors regarding this claim. She averred the Zero Tolerance Policy and Disciplinary Procedures Article 16 Section 5 of the NALC applied to this issue. She stated Complainant filed a grievance regarding this issue which is at Step 3 and is still pending. **[Affidavit B]**

Bryan Mulholland testified he was not the management official responsible for placing Complainant on Emergency Placement. He stated Ms. Maggard was responsible. He maintained he had no involvement with the issue. Mr. Mulholland contended Complainant has been notified numerous times in the past that his behavior and actions were unacceptable.

Ms. Mulholland testified Complainant's sex and sexual orientation were not factors regarding this claim. He is unaware if Complainant filed a grievance. **[Affidavit D]**

HARASSMENT ALLEGATION

Complainant testified on April 3, 2021, she told Ms. Maggard it was wrong to lock her out of the bathroom and she was hurt and felt attacked. She recalled Ms. Maggard said she had to look out for everyone and that they had a right to their beliefs. Complainant stated on April 7, 2021, she expressed her concerns that she could not use the bathroom because it was locked to Mr. Mulholland. She attested Mr. Mulholland told her to use the men's restroom. Complainant stated an investigation was not conducted into her allegations of harassment/hostile work environment. She contended on May 18, 2021 she received a letter stating her claims were investigated and the claims were unsubstantiated.

Complainant testified the harassment/hostile work environment made her feel less human and not worthy of basic bathroom privileges. She added she felt singled out and vilified for being transgender. She stated she has tried to maintain her work despite all of the troubles. Complainant maintained she does not recall having training in harassment/hostile work environment and she is not sure if the policy is posted in the facility. **[Affidavit A]**

Jessica Maggard testified Complainant nor anyone acting on behalf of Complainant told her that her or anyone else's actions constituted harassment and/or a hostile work environment for her. She stated she was not aware of the Complainant, or anyone acting on behalf of the Complainant, bringing concerns of harassment/hostile work environment to the attention of any other management official. She maintained an investigation was conducted into Complainant's allegation of harassment/hostile work environment by Postal Inspectors and IMIP and the allegations were unsubstantiated. She contended Complainant was informed of the outcome and she received a copy of the investigation. She added EAP was brought in for all employees. She stated she has received training on anti-harassment/hostile work environment while employed by the agency and affirms the agency's anti-harassment/hostile work environment policy is

posted in the facility. Ms. Maggard testified she believes Complainant's claims are self-serving and are untrue. **[Affidavit B]**

Lawrence Malone testified Complainant nor anyone acting on behalf of Complainant told him that his or anyone else's actions constituted harassment and/or a hostile work environment for her. He stated he was not aware of the Complainant, or anyone acting on behalf of the Complainant, bringing concerns of harassment/hostile work environment to the attention of any other management official. He maintained an investigation was conducted into Complainant's allegation of harassment/hostile work environment by the IMIP team and two claims were unsubstantiated, and one claim was substantiated. He contended Complainant was informed of the outcome of the investigation via US mail. He added EAP was brought in for all employees. He stated he has received training on anti-harassment/hostile work environment while employed by the agency and affirms the agency's anti-harassment/hostile work environment policy is posted in the facility. **[Affidavit C]**

Bryan Mulholland testified Complainant nor anyone acting on behalf of Complainant told him that his or anyone else's actions constituted harassment and/or a hostile work environment for her. He stated he was not aware of the Complainant, or anyone acting on behalf of the Complainant, bringing concerns of harassment/hostile work environment to the attention of any other management official. He maintained an investigation was conducted into Complainant's allegation of harassment/hostile work environment by the IMIP team and the claims were unsubstantiated other than employees calling him the incorrect name. He contended he was unaware if Complainant was informed of the outcome of the investigation. He stated he has received training on anti-harassment/hostile work environment while employed by the agency and affirms the agency's anti-harassment/hostile work environment policy is posted in the facility. **[Affidavit D]**

[INVESTIGATOR'S NOTE: Comparators will be discussed in the Comparative Data section on page 15.]

RECORD EVIDENCE

PS Form 50 for Complainant, dated April 24, 2021, indicates he is a Rural Carrier at the Loveland Post Office in Loveland, OH. **[Exhibit 1]**

Standard Job Description for the position of Rural Carrier. The description provides the functional purpose and duties and responsibilities of the position. **[Exhibit 2]**

PS Form 50 for Josh Brett dated March 13, 2021 indicates he was a Sales Services Distribution Associate at the Loveland Post Office in Loveland, OH. Two Notice of Emergency Placement in Off Duty Status dated November 27, 2020 and June 18, 2021 respectively indicates he was placed on Emergency Placement for Improper Conduct. **[Exhibit 3]**

PS Form 50 for John Miller dated March 13, 2021 indicates he was a Rural Carrier at the Loveland Post Office in Loveland, OH. **[Exhibit 4]**

Facebook messages from coworkers regarding harassment. **[Attachment to Affidavit A, page 27]**

Emergency Placement in Off Duty Status dated April 15, 2021. The form indicates Complainant was being placed on Emergency Placement for improper conduct. The form is signed by Jessica Maggard, A/Postmaster. **[Exhibit 5]**

Complainant's Form 3971 dated April 5, 2020. The form indicates Complainant requested eight hours sick leave on April 5, 2021. The form was disapproved by Jessica Maggard and noted Complainant walked off the floor. **[Attachment to Affidavit B, page 130]**

Occupational Safety and Health Administration (OSHA) Complaint # 1755198 dated April 9, 2021 and April 19, 2021. The form stated OSHA has not determined whether hazards existed in the workplace and requested an investigation be conducted regarding conditions and to make any necessary corrections or modifications. It also states the complaint was officially closed. The form is signed by Ken Montgomery, Area Director. **[Attachment to Affidavit B, page 121]**

Witness statements regarding Emergency Placement. Various witness statements from coworkers regarding events leading up to Complainant's Emergency Placement. **[Attachment to Affidavit B, page 18]**

Witness statements regarding bathroom locks. Various witness statements from coworkers regarding locks being placed on bathrooms. **[Attachment to Affidavit B, page 35]**

Request for Discipline dated May 4, 2021. The form requests Complainant's removal due to improper conduct and is signed by Jessica Maggard. **[Attachment to Affidavit B, page 65]**

Pre-Disciplinary Interview dated April 29, 2021. The form indicates Complainant was interviewed for threats being made. The interview was conducted by Bryan Mulholland. **[Attachment to Affidavit B, page 71]**

Request for Fitness for Duty Examination dated May 21, 2021. The form indicates Complainant was demonstrating combative behavior towards other employees. The form includes various witness statements from Complainant's coworkers. **[Attachment to Affidavit B, page 17]**

IMIP Investigation Report dated May 18, 2021. The form indicates an investigation was conducted into Complainant's allegations of a hostile work environment. The form indicates two claims were unsubstantiated and one claim was substantiated.

[Attachment to Affidavit B, page 119]

COMPARATIVE DATA

CLAIM 4: THE POSTMASTER INFORMED COMPLAINANT THAT HE WAS BEING PLACED ON EMERGENCY PLACEMENT

Complainant testified John Miller identified as a straight CIS male screams and throws parcels and he has never seen management tell him to be quiet. She answered “N/A” when asked if she was aware of any other comparators for this issue. **[Affidavit A]**

Jessica Maggard testified John Miller, who identifies as a male, unknown sexual orientation, never had an issue with yelling or throwing parcels. She indicated she does not know of any other comparators for this issue. **[Affidavit B]**

Bryan Mulholland testified he is unaware of any instance when John Miller, identified as a male, unknown sexual orientation, was treated differently than Complainant. He stated Joshua Brett, identified as a male, unknown sexual orientation was placed on Emergency Placement because he was acting inappropriately on the workroom floor and refused to follow instructions when management told him to stop. **[Affidavit D]**

APPLICABLE POLICIES

Employee and Labor Relations Manual (ELM) Version 49, September 2020, in relevant part:

Section 513 Sick Leave, Section 610 Employee Relations, Section 665 Postal Service Standards of Conduct, Section 665.16 Behavior and Personal Habits, Section 670 Diversity, Equal Employment Opportunity, and Prevention of Employment Discrimination, Section 812.51 Supervisor Responsibilities. **[Exhibit 6]**

Handbook EL 902 Agreement between the USPS and the National Rural Letter Carriers’ Association 2018-2021, in relevant part:

Article 2 Nondiscrimination and Civil Rights, Article 3 Management Rights, Article 4, Section 3 Sick Leave, Article 16 Discipline Procedure. **[Exhibit 7]**

Postal Service Diversity and Inclusion Statement. **[Attachment to Affidavit B, page 137]**

Ohio Valley District Zero Tolerance Policy dated March 2020. **[Attachment to Affidavit B, page 138]**

Ohio Valley District Sexual Harassment Policy dated March 2020. [Attachment to Affidavit B, page 139]

PCES Executives Voice of the Employee-Workplace Relationships dated February 18, 1996. [Attachment to Affidavit B, page 140]

Joint Statement on Violence and Behavior in the Workplace. [Attachment to Affidavit B, page 142]

Postal Service Policy on Equal Employment Opportunity dated July 1, 2021. [Exhibit 8]

USPS Policy on Workplace Harassment dated July 1, 2021. [Exhibit 9]

Publication 552, Managers Guide to Understanding, Investigating, and Preventing Harassment dated November 2018. [Exhibit 10]

Publication 553, Employees' Guide to Understanding, Preventing, and Reporting Harassment dated November 2018. [Exhibit 11]

Publication 45 - Achieving a Violence Free Workplace. [Exhibit 12]

COMPENSATORY DAMAGES

AFFIDAVIT TESTIMONY (Compensatory Damages)

Complainant testified he has experienced financial difficulties because of the discriminatory acts alleged in his complaint because he was not paid for the first two weeks which put him behind on bills. He stated he had to withdraw his thrift savings to get caught up. He maintained he experienced medical problems. He stated his anxiety caused him to vomit multiple times before going to work. He added he has not been eating or sleeping well. Complainant testified he has been seeing a counselor to help him deal with the discrimination. He noted he has not had to take medication. **[Affidavit A]**

DOCUMENTARY EVIDENCE (Compensatory Damages)

[INVESTIGATOR'S NOTE: No documents or other evidence was presented or discovered regarding the Complainant's entitlement to compensatory damages.]



EEO Investigative Affidavit (Complainant)

Page Number	Number of Pages	Case Number
1	21	4J-450-0002-21

1. Affiant's Name (First, Middle, Last) Eric Poweleit		2. Employing Postal Service Facility Loveland Post Office	
3. Position Title Rural Carrier	4. Position Level	4. Postal Address and ZIP + 4 200 Loveland Madeira Rd Loveland, OH 45140-9998	6. Unit Assigned

Privacy Act Statement and Rehabilitation Act Notice

Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service® (USPS®) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies visit www.usps.com/privacypolicy.

Rehabilitation Act Notice: Under the Rehabilitation Act, medical information is confidential and may only be requested or disclosed in very limited circumstances. Medical documentation about the complainant's and possible comparison employees' medical conditions and work restrictions may be requested in connection with the investigation of an EEO complaint. Information about medical restrictions (but not medical conditions) obtained in the course of an EEO investigation may be disclosed to supervisors and managers who need to know about restrictions on the work or duties of the employee and about necessary accommodations. Supervisors and managers are not permitted to share such information with peers or subordinates or to discuss the information with those who have no need to know and whose requests for the information are not job-related and consistent with business necessity.

Important Information Regarding Your Complaint

This PS Form 2568-A, *EEO Investigative Affidavit (Complainant)*, and the other form mentioned below, are being provided for you to use to fully respond to the accompanying questions. Mail or deliver your completed statement to the EEO complaints investigator within 15 calendar days of the date you received the forms. Use PS Form(s) 2569, *EEO Investigative Affidavit (Continuation Sheet)*, as needed, to complete your written statement. Remember to number the top of each page and sign and date the bottom of each page of your statement. If you return your statement by mail, the return envelope must be postmarked on or before the 15th calendar day after the date that you received the affidavit forms. Failure to complete your statement and return the forms within the allotted time period could result in your complaint being dismissed based upon your failure to proceed. EEOC complaints processing regulation, 29 C.F.R. 1614.107(a)(7), states, in part, [A complaint may be dismissed] "Where the agency has provided the complainant with the written request to provide relevant information or otherwise proceed with the complaint, and the complainant has failed to respond to the request within 15 days of its receipt, or the complainant's response does not address the agency's request, provided that the request included a notice of the proposed dismissal."

7. Statement (Use PS Form 2569 if additional space is required)

1. If you have a representative, please provide his/her name, address, and telephone number, and indicate if your representative is an attorney.

N/A

2. What is your full name?

Eric James Poweleit (Jamie Poweleit)

3. What is your position title, pay grade and work location address?

Regular Rural Carrier
grade/step 2

200 Loveland-Madeira Rd. Loveland OH 45140

4. What is your mailing address, telephone number and personal email address?

18 Miamiview dr. Loveland OH 45140

513- [REDACTED] [REDACTED] @gmail.com


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Poweleit

Date Signed

6-20-2021

 UNITED STATES POSTAL SERVICE® EEO Investigative Affidavit (Continuation Sheet)	Page No. 2	No. Pages 21	Case No. 4J-450-0002-21
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5. Identify the name and title of your immediate supervisor during the time frame of the accepted issue(s) of this complaint.

Larry Malone supervisor
 Brian Mullholland supervisor
 Jessica Maggard Postmaster

SEX ALLEGATION

6. Identify your **sex**.

transgender Female

7. Are the management officials who you allege discriminated against you in this complaint, aware of your **sex**? If so, **when** (approximate date) and **how** did they become aware?

Management has been aware of my sex since January 2020. They became aware when one of my supervisors Ali Herrera started telling my co-workers my transgender status while I was on FMLA.

8. Identify your **sexual orientation**.

Bisexual

9. Are the management officials who you allege discriminated against you in this complaint, aware of your **sexual orientation**? If so, **when** (approximate date) and **how** did they become aware?

Management has also been aware of my bisexuality since spreading my medical information in January 2020.

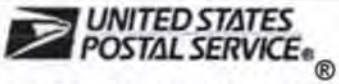
I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

 EEO Investigative Affidavit (Continuation Sheet)	Page No. 3	No. Pages 21	Case No. 4J-450-0002-21
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CLAIM 1: YOUR SUPERVISOR THREATENED YOU WITH DISCIPLINE AND THEN PROVIDED YOU WITH THE STATEMENT HE WROTE CONCERNING THE JANUARY 21ST INCIDENT WHICH YOU BELIEVE CONTAINS FALSE INFORMATION

10. You allege that on January 21, 2021, your supervisor threatened you with discipline and then on February 17, 2021 he provided you with the statement he wrote concerning the January 21st incident which you believe contains false information. Please fully explain this allegation including when these incidents occurred, who was involved, and exactly what occurred/was said by all parties involved. *Please provide any relevant documentation to support this claim.*

On January 21, 2021 I was working next to an RCA Katie Douglas. Our office has been working our RCA's more then normal due to a shortage of employees. On this day miss Douglas informed me she wanted to kill herself. Having been in the hospital in December of 2019 for my suicidal feelings and having a nephew who killed himself two years ago I desperately wanted to help. I tried to talk to miss Douglas about counseling and coping methods to see if I could help. She didn't want to talk about it and lashed out at me. Immediately my supervisor Larry Malone came over to our area. I tried explaining her situation to him, how she needed help, he refused to listen. Supervisor Malone accused me of failing to follow orders and directed me to the office.

11. If not explained above, please respond to the following questions:

a. Please verify the dates these incidents occurred.

1-21-2021
2-17-2021

b. What specifically was said and by whom?

Mr. Malone told me to face my case and be quiet multiple times. I repeatedly attempted to tell him what Katie said, he said he didn't care each time, he only wanted me to be quiet.

c. Did you respond to these comments? If so, what did you say?

I told him I was more concerned about her well being then his orders.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Fowler

Date Signed

6-20-2024

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12. What Agency policies, regulations and/or rules are relevant to this issue? Please provide copies of any policies, regulations and/or rules cited.

In section 812.51 Supervisors responsibilities it states that supervisors are responsible for enforcing safe work practices.

13. Do you believe management violated the above cited policies, regulations and/or rules in regards to this issue? If so, how?

I believe management violated their responsibilities of making sure my co-worker was safe. They acted as if they did not care about her problem directly dismissing the issue right in front of her.

14. Please explain how you were harmed regarding this issue.

I can't feel safe trying to help a co-worker in need. I also feel like I can't come to management with important issues.

15. Were there any witnesses to this incident described above? If yes, identify them by full name, position title, and describe in detail what you believe they witnessed.

I do not recall any witnesses.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Erie Powell

Date Signed

6-20-2021

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16. Why do you believe that your sex was a factor regarding this incident?

My supervisors have made it a point to single me out in every instance. In this situation there is an employee who desperately needs attention. When I alerted Supervisor Malone of her condition, her needs should have been addressed. Instead Supervisor Malone chose to bring me to the office to threat discipline to me.

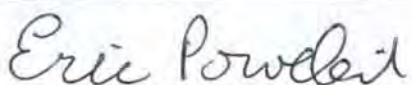
17. Why do you believe that your sexual orientation was a factor regarding this incident?


18. Did you file a grievance or any other type of complaint regarding this issue?

No

a. If so, at what stage is the grievance/complaint?

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature 	Date Signed 6-20-2021
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b. If a final decision was reached, what was the result?

(Please provide a copy of any relevant documentation.)

CLAIM 2: MANAGEMENT PUT A LOCK ON THE WOMENS RESTROOM

19. You allege that on April 2, 2021, management put a lock on the women's restroom. Please fully explain this allegation including when this incident occurred, who was involved, and exactly what occurred/was said by all parties involved. *Please provide any relevant documentation to support this claim.*

After eight months presenting my true self at the Post Office, using my correct bathroom without any issues, ~~we~~ the Postal Service put a lock on just the womens restroom on April 2, 2021. On April 3rd when I entered the building I was immediately told by co workers about the lock. I called my Postmaster Jessica Maggard for an explanation in which she told me it's happening because "some of the women in the office don't believe your a woman". Miss Maggard also expressed concerns for those changing which never existed before.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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20. If not explained above, please respond to the following questions:

- a. Please verify the date this incident occurred.

April, 2nd, 2021

- b. What specifically occurred?

The postal service put a lock on the womens restroom.

- c. What is the name of the management official who placed the lock on the women's bathroom? Please identify by name and position title.

Jessica Maggard Postmaster

- d. Were there any other management officials involved in placing the lock on the women's bathroom? Please identify by name and position title.

I'm not sure.

- e. Did you respond to this incident? If so, what was your response?

I called my Postmaster Miss Maggard for an explanation. She expresses concerns for those changing that never existed prior to my transition. she also told me the women in the office didn't believe I was a woman.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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21. What Agency policies, regulations and/or rules are relevant to this issue? Please provide copies of any policies, regulations and/or rules cited.

In Section 673 of the postal code of conduct it explains that management have the commitment to providing a work environment free of harassment. This Policy also states management that management is responsible to promote diversity and inclusion, and that they are to prevent discrimination. Rather than treat me as another women from the office management choose to alienate me from the cis gendered females creating a hostile discriminative work environment they are supposed to prevent.

22. Do you believe management violated the above cited policies, regulations and/or rules regarding this issue? If so, how?

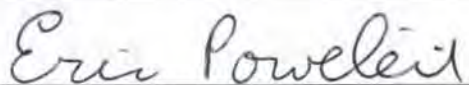
23. Please explain how you were harmed regarding this issue.


The postal Service should have chosen to educate those with transphobic views in my office rather than accomodate them. Instead an environment where I am treated like a threat cis women should fear was how they choose to handle it. I felt attacked and alienated for my basic bathroom needs.

24. Why do you believe that your sex was a factor regarding this incident?

There were zero concerns for those changing in my 15 years prior at the post office. I have never seen anyone getting changed to the point of nudity so clearly it's because I'm there. Also the locks were used immediately by some in the office locking me out more than once. I asked my supervisor Brian Mallholland what to do and he told me to use the mens.

25. Why do you believe that your sexual orientation was a factor regarding this incident?

I declare under penalty of perjury that the foregoing is true and correct.	
Affiant's Signature 	Date Signed 6-20-2021

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The postal service put a lock on the womens restroom on 4-2-21, On 4-14-21 they placed me on Emergency placement, On 4-16-21 two days after my removal the postal service removed the lock from the bathroom.

26. Did you file a grievance or any other type of complaint regarding this issue?

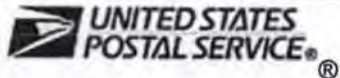
a. If so, at what stage is the grievance/complaint?

No

b. If a final decision was reached, what was the result?

(Please provide a copy of any relevant documentation.)

I declare under penalty of perjury that the foregoing is true and correct.	
Affiant's Signature <i>Eric Powell</i>	Date Signed <i>6-20-2021</i>

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CLAIM 3: THE POSTMASTER HUMILIATED YOU

27. You allege that on April 5, 2021, the Postmaster humiliated you. Please fully explain this allegation including when this incident occurred, who was involved, and exactly what occurred/was said by all parties involved. Please provide any relevant documentation to support this claim.

On April 5th around 8:30 I asked my Postmaster Jessica Maggard if I could talk to her about the bathrooms, she said it was ok and I gave her my argument. Miss Maggard was confrontational immediately raising her voice with me, telling me she has to worry about everyone's beliefs. When I tried explaining to her that their beliefs are transphobic, she got on the intercom and told me to go to my case in front of the whole office.

28. If not explained above, please respond to the following questions:

a. Please verify the date this incident occurred.

April 5th 2021

b. Please verify it was the postmaster who humiliated you.

It was Jessica Maggard Postmaster

c. What specifically occurred?

I attempted to talk to Miss Maggard. She was confrontational immediately raising her voice with me, creating a scene then humiliating me on the intercom.

d. Did you respond to this incident? If so, what was your response? I returned to my case, I started feeling really sick after being treated so


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Erin Lovell

Date Signed

6-20-2021

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poorly. I informed Miss Maggard I wasn't feeling good and needed to go home. Miss Maggard once again created a scene by yelling at me to fill out a sick leave form. She marches me over there in front of the whole office. I fill it out place it on the desk and once again try to leave. As I'm walking out she yells in front of the whole office once again that I'm leaving not sick anyway. I tell her I am and leave.

29. What Agency policies, regulations and/or rules are relevant to this issue? Please provide copies of any policies, regulations and/or rules cited.

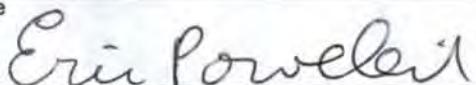
I could not find a specific rule but I can't imagine the postal Service trains their Postmasters to yell at their employees or humiliate employees on the intercom.


30. Do you believe management violated the above cited policies, regulations and/or rules regarding this issue? If so, how?

31. Please explain how you were harmed when you were humiliated by the Postmaster.

I've already been singled out any time any issue occurs since I have come out. After being locked out and made to feel like a criminal, made to feel invalid as a woman. Not even being given the same opportunities to speak to her others were.

32. Were there any witnesses to this incident described above? If yes, identify them by full name, position title, and describe in detail what you believe they witnessed.

I declare under penalty of perjury that the foregoing is true and correct.	
Affiant's Signature	Date Signed
	6-20-2021

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Anyone in the office on 4-5-21 witnessed this incident. The other employees witnessed a verbal disagreement between Jessica and myself. They witnessed her getting on the intercom. They witnessed her repeatedly yelling at me as I tried to leave.

33. Why do you believe that your sex was a factor regarding this incident?

I believe my sex was a factor because the concerns of the cis gendered regarding the bathrooms were heard without confrontation and accommodated. My concerns were met with confrontation and humiliation.

34. Why do you believe that your sexual orientation was a factor regarding this incident?

On 4-6 I decided to try to talk to Miss Maggard again. This time I made sure my union rep Carla Dedden was present around 9 a.m. In our conversation Miss Maggard said we both raised our voices in the exchange, in my notice of removal she claims I was yelling and being disruptive when in fact I was just trying to have a conversation with my postmaster. I've also never seen a postmaster or supervisor ever try to resolve a situation with an employee by getting on the intercom. When most employees leave sick they aren't yelled at by their supervisors. On April 6th at 11:48 an email from the EEO commission informed myself, postmaster Jessica Maggard, and supervisor Larry Malone of our mediation April 12th. On April 7th the very day after my meeting with Miss Maggard and her receiving the notice of EEO mediation via Email, questions about accusations started coming my way.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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35. Did you file a grievance or any other type of complaint regarding this issue? *Yes*

a. If so, at what stage is the grievance/complaint?

b. If a final decision was reached, what was the result?

(Please provide a copy of any relevant documentation.)

**CLAIM 4: THE POSTMASTER INFORMED YOU THAT YOU WERE BEING PLACED ON
EMERGENCY PLACEMENT**

36. Please verify the date the Postmaster informed you that you were being placed on
Emergency Placement.

4-14-2021

37. Identify the management official responsible for informing you that you were being placed on
Emergency Placement.

Postmaster Jessica Maggard called and informed me.

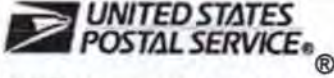
I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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38. Were there any other management official(s) involved in the decision to place you on Emergency Placement? If so, provide their full name, job title and a description of how they were involved.

Jessica Maggard Postmaster
 Bryan Mulholland Supervisor

39. Explain in detail the circumstances that led to the Postmaster informing you that you were being placed on Emergency Placement.

On April 3rd after my phone conversation with my Postmaster, there were many conversations around the office about the lock. My neighbor on route 3 Edwina Fisher was having a problem with me being upset about the lock. She kept telling me people had the right to feel safe and that locking me out was ok not transphobic. After an incident around 9:00 my supervisor Bryan Mulholland came over to tell us all to be quiet and work. Around 9:30 the conversation got brought back up with Edwina, Samuel McKee, and myself. As Edwina started getting loud again I had a friend Paul Clendinning come over and remove me from the situation. As we are walking out the doors I see Bryan walking towards our cases but I was already out the door before he addressed that area. On this day in charge of my removal they claim I say (continued)

40. Were you notified your conduct or performance was not acceptable prior to being informed that you were being placed on Emergency Placement? If so, when and by whom?

No. I was questioned three times & never given the details of the allegations. I was just asked why I did thing I didnt do.

41. Were you provided a reason for being informed that you were being placed on Emergency Placement?

I was told by Postmaster Maggard it was because of my actions on 4-3


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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42. Did you disagree with the reason provided? If so, why?

yes because I did nothing on 4-3 to warrant removal. The postal service didnt question a major part of the conversations Samuel McKee was involved in until a week after my removal. Another Employee Alex Blatte who I've notified management numerous times that she has been harrasing me filed for a protection order against me forcing me to go to court to defend myself. Under oath in court miss Blatte claimed I was harassing her while she was at the doctors with her kids, also she claimed I never asked if her kid was ok and that I said I was gonna blow up the post office. I'm providing the conversation in question where you can see she perjured herself, ~~this~~ case was dropped.

43. Why do you believe your sex was a factor when the Postmaster informed you that you were being placed on Emergency Placement?

In each situation I am singled out and targeted. There were many people involved in the conversations on 4-3 yet I'm the one questioned and disciplined. My co-workers have expressed their hateful beliefs in the past (I will provide examples) and when I've had issues management never looked into them.

44. Why do you believe your sexual orientation was a factor when the Postmaster informed you that you were being placed on Emergency Placement?

There have been many altercations with other employees due to their homophobia. I am providing a facebook post from a co-worker directly next to me and also a text conversation with another co-worker defending their hateful beliefs and calling me a problem for questioning it. I believe the two people Bonnie Earnest and Edwina Fischer are responsible for some of the actions taken against me. I still havent been told who has said what so I just have to guess. I went to management about these incidents at the time and I was the one treated like the problem. There also is another employee who has went out of their way to harass me for the last eight months, I went to three separte management officials about her harassment and was never taken seriously. Her name is Alex Blatte I believe she is another one of my attackers.

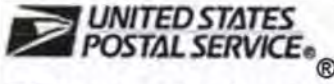
I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powel

Date Signed

6-20-2021

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45. What Postal policies, regulations and/or rules are relevant to this issue? (Please provide copies of any policies, regulations and/or rules cited.)

Failure to follow federal anti-discrimination law
 Failure to follow USPS zero tolerance policy any time I expressed concerns of harassment

46. Do you believe management violated the above cited policies, regulations and/or rules regarding this issue? If so, how?

I believe management targeted, singled me out, and created a very hostile work environment. I talked to three Supervisors Larry Malone, Dianne Idelett, and postmaster Wayne sorry don't know his last name. None of my valid claims of harassment were taken seriously yet when the person they know has been harassing me made claims they listened.

47. Are you aware of any other employees during the past year, with similar conduct in your office who was not placed on Emergency Placement under similar circumstances by the same management official? If so, identify the following for each:

a. Full Name

John Miller

b. Position Title and Supervisor

Regular Rural Carrier

Bryan Malholland Supervisor
 Jessica Maggard Postmaster

c. Sex

Cis male

d. Sexual Orientation

straight


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Erin Powell

Date Signed

6-20-2024

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e. Explain how your situation compared and why you believe you were treated differently.

John Miller once or twice a year gets fed up with how things are running in our office. He yells screams throws parcels at times. I've not seen either supervisor or Postmaster ever tell him to be quiet. Only noise from my area is worthy of attention

48. Are you aware of any other employees during the past year, with similar conduct in your office who also was placed on Emergency Placement under similar circumstances by the same management official? If so, identify the following for each:

a. Full Name

N/A

b. Position Title and Supervisor

c. Sex

d. Sexual Orientation

e. Explain how your situation compared and why you believe you were treated similarly.

49. Did you file a grievance or any other type of complaint regarding this issue? **yes**


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

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- a. If so, at what stage is the grievance/complaint? *Stage 2*
- b. If a final decision was reached, what was the result?

(Please provide a copy of any relevant documentation.)

HARASSMENT ALLEGATION

50. Other than as previously addressed, did you or anyone acting on your behalf tell the alleged harasser or person that created the hostile work environment that you found his/her behavior unacceptable, unwelcome, and/or offensive? If so, provide the following:

- a. Who did you tell?

Jessica Maggard

- b. When did you tell them?

phone conversation on 4-3 regarding lock on bathroom

- c. What did you/they tell him/her?

I told her that it was wrong to lock me out of the bathroom. I told her I was hurt and felt attacked.


I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Lovelace

Date Signed

6-20-2021

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d. What was his/her response?

That she had to look out for everyone and that they had a right to their beliefs.

(If in writing, please provide a copy.)

51. Did you ask that the alleged behavior stop? If not, please explain why.

I did ask that the lock be removed

52. Did you or did anyone else acting on your behalf bring your concerns regarding the alleged harassment/hostile work environment to the attention of other management officials? If so, provide the following:

a. Who did you tell? Bryan Mulholland

b. When did you tell them?

4-7-2021

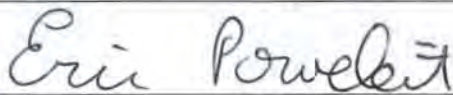
c. What did you/they tell him/her?

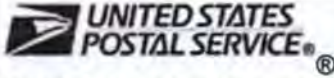
The bathroom was locked around 9:00 am on 4-7-2021. I went to my Supervisor Bryan Mulholland and expressed my concerns because I couldn't use the restroom.

d. What was his/her response?

He told me to use the men's restroom.

(If in writing, please provide a copy.)

I declare under penalty of perjury that the foregoing is true and correct.	
Affiant's Signature 	Date Signed 6-20-2021

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53. Was an investigation conducted into your allegations of harassment/hostile work environment? If so, who conducted the investigation and when was it conducted?

I was made aware of no investigation into these claims, I was never questioned but on May 18, 2021 I received a letter stating they investigated my claims. Lee Bosq is the name on the letter

54. If an investigation was conducted, were you advised of the outcome? If so, when, by whom and what was the outcome?

I received a letter dated May 18, 2021 from Lee Bosq. They claimed my allegations were unsubstantiated. In this letter they do admit to putting the locks on because of changing room fears which didn't exist prior to my transition.
(If in writing, please provide a copy.)

55. What, if any, effect did the harassment/hostile work environment have on your physical or emotional well-being? I felt like a lesser human being not worthy of basic bathroom privileges, I felt singled out and vilified for being transgender

56. What, if any, effect did the alleged harassment/hostile work environment have on your work performance? I have tried to maintain my work despite all the troubles I've had.


57. Have you received training in harassment and/or a hostile work environment, and if so, when and what training did you receive?

I don't recall any such training.

58. Are you familiar with the Agency's policy on anti-harassment/hostile work environment? Is the policy displayed for employees to view in your work area? If so, where is the policy displayed? I am. I'm not sure if the policy is displayed

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature 	Date Signed 6-20-2021
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59. What remedy do you request to resolve this complaint?

There is a severe lack of understanding in the Postal Service regarding transgender employees. It starts from the top with the policies and paperwork that are all very gender specific even in gender sensitive cases such as these. There needs to be policies in place that make transgender employees feel comfortable and accepted. There needs to be an EEO process that properly addresses those being discriminated against for their gender by their preferred gender and name as opposed to legal name and assigned sex. Their needs to be an education from the top down on the needs of transgender employees. Their needs to be education on what transphobia and discrimination against transgender employees is. In the postal services response to my claims they admit the lock was put on for discriminatory reasons such as changing concerns that never existed prior. They also admit management misgenders and misnames me which is another form of discrimination yet they don't believe they have discriminated. The lack of education and understanding by the supervisors leads to an environment of discrimination in which employees gain the same ideals and attitudes of management. The current system has no guidelines for transgender employees leaving them unprotected from transphobic attacks of employees unaware of their own discrimination. The employees also need educated on discrimination so all employees can be comfortable. I would also like to see Jessica Maggard removed from management so this never happens again. I am requesting a new position within the postal service addressing the needs and policies towards transgender employees, addressing currently transphobic environments, & preventing future discrimination. I would also like to transfer to a different part of the country. I have been attacked and humiliated enough, having police talk to me in front of my daughter causing her anxiety. We would like a fresh start.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

PS Form 2569, March 2001

Signature of Affiant

Eric Powell

Date Signed

6-20-2021

PS Form 2571, October 2015

00077

Affidavit A

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- ⑩. Not once did supervisor Malone check to see if miss Douglas was OK. Supervisor Malone asked why I disobeyed his order. I told him the needs of an employees health were more important then his demands. I heard nothing more from supervisor Malone about this issue for a couple of weeks until he called me in his office on February 17th 2021 to inform me he wrote a statement of the incident including false information, saying I was yelling at Katie.
- ③⑨. I'm going to "burn this mother fucker to the ground" and that I was "going to take everybody down, naming management as the first to go". These are statements I never made. My co worker Samuel Mcker who was in the area and involved in the conversations on 4-3 was not interviewed until 4-23 more then a week after my removal. Edwina which whome I've had numerous problems with and reached out to management about in the past I can only assume is my attacker here. She has expressed her hateful confederate beliefs to me in the past and there has been problems ever since. In charge #2 they claim I'm yelling at management calling them transphobic, that I failed to follow instructions on H-S. They also claim I'm the one making the scene as I attempt to leave. In my meetings with Miss Maggard on 4-6 with my union rep Carla Dedden present, Miss Maggard admits to raising her voice with me the day before. There was no mention of my supposed yelling or failure to follow orders. She does mention laughingly that I supposedly said I was gonna burn it down but didn't seem to be serious.

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature

Eric Porebit

Date Signed

6-20-2021



Certification

Case Number

4J-450-0002-21

I have read the proceeding attached statement, consisting of 2 pages, and it is true and complete to the best of my knowledge and belief. In making this statement, I understand Section 1001, Title 18 of the U.S. Code which states:

"Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both."

Privacy Act Statement and Rehabilitation Act Notice

Privacy Act Statement: Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the U.S. Postal Service (USPS) or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel. For more information regarding our privacy policies visit www.usps.com/privacypolicy.

Rehabilitation Act Notice: Under the Rehabilitation Act, medical information is confidential and may only be requested or disclosed in very limited circumstances. Medical documentation about the complainant's and possible comparison employees' medical conditions and work restrictions may be requested in connection with the investigation of an EEO complaint. Information about medical restrictions (but not medical conditions) obtained in the course of an EEO investigation may be disclosed to supervisors and managers who need to know about restrictions on the work or duties of the employee and about necessary accommodations. Supervisors and managers are not permitted to share such information with peers or subordinates or to discuss the information with those who have no need to know and whose requests for the information are not job-related and consistent with business necessity.

USPS Standards of Conduct

Postal Service regulations require all Postal Service employees to cooperate in any Postal Service investigation. Failure to supply the requested information could result in disciplinary action, in accordance with ELM 665.3 and 665.6.

Oath or Affirmation

Subscribed and (sworn) (affirmed) before me on the _____ day of _____, 20____.

(Affiant, sign in the presence of an EEO Complaints Investigator.)

Signature of EEO Complaints Investigator

Signature of Affiant

Declaration

I declare under penalty of perjury that the foregoing is true and correct.


(Affiant must sign and date if attached statement was not completed in the presence of an EEO Complaints Investigator.)

Signature of Affiant

Date Signed

Eric Powell

6-20-2021

 UNITED STATES POSTAL SERVICE®		EEO Investigative Affidavit for Compensatory Damages <i>Note: Not applicable to Age Discrimination in Employment Act (ADEA) Claims</i>	
Name Eric Poweleit	Case No. 4J-450-0002-21	Page No. 1	No. of Pages

Instructions for the Complainant:

During an investigation into alleged discrimination, The Postal Service is required to gather evidence regarding appropriate remedies, which may include compensatory damages. The remedy that you are seeking to resolve this complaint includes your claim that you are entitled to receive a monetary award. Therefore, you must provide testimony and evidence concerning the nature, extent and severity of the harm you suffered due to the alleged discriminatory conduct. PS Form 2569-C contains a number of questions and/or statements regarding your claim for damages. Please read the questions or statements carefully before responding. If you need additional space, please use an additional sheet(s). Any additional sheet(s) must show the number of this form (Form 2569-C), the item number(s) to which it pertains, a page number and the total number of pages submitted for this form. You must declare under penalty of perjury that the information you provide on this form including any attached sheets is true and correct.

1. I experienced financial difficulties because of the discriminatory act(s) alleged in my complaint.

☒ Yes ☐ No

If yes, provide full explanation. Please include description and cause of difficulty(ies), when occurred, duration of occurrence, and severity.

I was not paid for the first two weeks putting me behind on bills. My car broke down during this time I kept my money for rent as to have a roof over my head for my daughter and myself. I finally had to withdraw my thrift savings to get caught back up but now I have years to pay that back with no new contributions matched until I repay.

2. I experienced medical problems because of the discriminatory act(s) alleged in my complaint.

☒ Yes ☐ No

If yes, provide full explanation. Please include description and cause of problems, when occurred, duration of occurrence, and severity.

My anxiety in the morning would lead me to vomit multiple times some days before going to work. I also have not been sleeping or eating well since these actions occurred.

3. I obtained psychological or psychiatric counseling and/or treatment because of the discriminatory act(s) alleged in my complaint.

☒ Yes ☐ No

If yes, provide full explanation. Please include description and cause of problems, when occurred, duration of occurrence, and severity.

I have a counselor who has been helping me deal with the discrimination since I have come out. I immediately made an emergency appointment with him when I was put on Emergency placement.

4. I have had to take medication because of the discriminatory act(s) alleged in my complaint.

☐ Yes ☒ No

If yes, list type of medication, reason for the medication, and the cost of the medication.

anti depressants typically make me more depressed so I choose not to take them.

Page No.

2

No. of Pages

5. Did any of the difficulties for which you checked "Yes" in items 1-4 exist prior to the act(s) of discrimination alleged in your complaint?

☒ Yes☐ No

If yes, please complete question 6 below.

6. Describe for each pre-existing condition how that condition was made worse by the act(s) of discrimination alleged in your complaint. Begin each description with the item number on page 1 (items 1 through 4) to which it pertains.

I have had the same counselor I have been seeing regularly since January 2020. We had been working on moving forward in my life when this began. I have been spiraling since the attacks I've faced having anxiety about going out of my house, new bathroom fears, I've been made to feel helpless.

7. Is there any other information or evidence regarding your claim for entitlement to compensatory damages that you want to include with your affidavit?

☐ Yes☐ No

If yes, please provide a full explanation of the information you wish to include. Attach additional pages if necessary.

IMPORTANT!

You must attach or provide the investigator with copies of documentation, such as bills, doctor's statements, pharmacy bills, statements from other persons, or other paperwork relevant to the difficulty that you claim is related to the discriminatory act(s) alleged in your complaint. If you do not have copies of your documentation, you may provide the original to the investigator who will copy relevant records and return the original documents to you. Alternatively, for medical information and records, you may provide a signed authorization from your health care provider to the investigator permitting him/her to obtain information directly from your health care provider or pharmacy. Or, you may sign a medical information release provided by the investigator if you prefer.

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a; The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

I declare under penalty of perjury that the foregoing, including any attached sheets, is true and correct.

Affiant's Signature

Eric Powell

Date Signed

6-20-2021

LOVELAND POST OFFICE
OHIO VALLEY DISTRICT



April 15, 2021

ep: rlh

EMERGENCY PLACEMENT IN OFF-DUTY STATUS

**ERIC POWELEIT
18 MIAMIVIEW DR
LOVELAND, OH 45140**

**RURAL CARRIER
EMPLOYEE IN: 03611244**

**CERTIFIED # 7019112000096794736
TRACKING #**


You were verbally notified you that you were being placed into an off duty status without pay effective April 14, 2021 and that you would remain in that status until you are advised otherwise. The reason for this action is:

IMPROPER CONDUCT

This is written confirmation of your being placed via the Emergency Procedure as outlined in the National Agreement. On April 14, 2021 management became aware that you made statements at work that were in direct violation of the Zero Tolerance Policy.

Accordingly, you have been placed on emergency placement in an off duty status without pay, pending further investigation. Article 16, Section 5, of the National Agreement states "An employee may be immediately placed on an off-duty status (without pay) by the Employer, but remain on the rolls where the allegation involves intoxication (use of drugs or alcohol), pilferage, or failure to observe safety rules and regulations, or in cases where retaining the employee on duty may result in damage to US Postal Service property, loss of mail or funds, or where the employee may be injurious to self or others."

You may contact me if you have questions or do not understand the reasons for your Emergency Procedure status. You have the right to file a grievance under the Grievance-Arbitration procedure as set forth in Article 15, Section 2, of the National Agreement, within fourteen (14) days of your receipt of this notice.


Jessica Maggard
A/Postmaster

DISC

2:59



facebook

**Connie Earnest**

22h • ⚙

**Dustin Mathis**

5d • 🌐

Follow

YOU KNOW FOLKS , I never cared that you were gay, until you started shoving it down my throat, and I never cared what color you were ,till you started blaming me for your problems ,and I never cared about your political affiliation ,until you started condemning me for mine. I really never even cared where you were born , until you wanted to erase my history, and blame my ancestors for your problems you know I never even cared if your beliefs were different than mine, until you said my beliefs were wrong,but now I care, my patience and tolerance are gone, and I am not alone in feeling like this, there are millions of us who feel like this,



3

1 Comment • 2 Shares



Like



Comment



Share



00083



7:58 

< Winnie

513 [REDACTED]



my nistory, and blame my ancestors
for your problems you know I never
even cared if your beliefs were
different than mine, until you said my
beliefs were wrong, but now I care, my
patience and tolerance are gone, and I
am not alone in feeling like this. there

Connie posted it Bess liked it. 🙄
this feels very personal.

MMS
3:57 PM

W

Well don't because I'm sure they
mean it for the world not really
so much the gay community

3:59 PM

3:59 PM

Still disgusting

Just disguising

4:00 PM

Disgusting

W



Sorry

4:00 PM

W

Don't take everything personal
it's just their way of expressing
how they feel about there history
and beliefs being taken away

4:01 PM

No that's very personal. Sorry
I started shoving my gayness



7:59 [status icons]

< Winnie
513 [redacted]



W

Don't take everything personal
it's just their way of expressing
how they feel about there history
and beliefs being taken away

4:01 PM

No that's very personal. Sorry
I started shoving my gayness
down their throat. Maybe they
just shouldn't give a fuck what
I do.... maybe just maybe... so
what does being gay have to do
with their history

4:08 PM

This is just hate!

4:09 PM

W

Trust me it's not about being
gay it's about the world being
how it is .. it feels like everyone
is split and the minority is trying
to school everyone else to make
them understand but when the
people don't agree or can't be
swayed they are attacked like
what the minority thinks is right
and everyth

View all



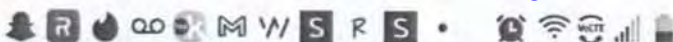
4:28 PM

Sorry winnie nobody should
respect the history of the rebel
[redacted] They were traitors who



00085



8:00 < Winnie
513 [REDACTED]

Sorry winnie nobody should respect the history of the rebel flag!!!! They were traitors who only wanted slavery.. Lincoln negotiated to end the war a couple of times they agreed on everything but one thing SLAVERY!! It is the symbol of oppression and hate that still means the same today... i have

View all >

4:37 PM

W

With all due respect, Lincoln ended slavery to cripple the south's economy, the confederate states where taxed illegally and bullied by the northern states due to their increased farming and a slave tax, the confederate flag is a symbol of governing your self and standing up to tyranny. I accept eve

View all >


5:14 PM

Well that's a bunch of bullshit!!! I'm not attacking anyone, I'm just responding to hateful nonsense. I'm sorry peeps from



00086



8:01 < Winnie
513 [REDACTED]

Well that's a bunch of bullshit!!!
I'm not attacking anyone, I'm
just responding to hateful
nonsense. I'm sorry peeps from
this side of town have a very
flawed perspective of history.
Guess he shouldn't have ended
slavery since it was hurting
the pocketbooks of rich slave
owners... do you hear y

MMS
5:30 PM

View all >

W Ohhh Geesh well all I know is I
believe what I believe and you
should respect my beliefs just as
much as you want me to respect
yours this is nonsense

5:33 PM

Well i will when I'm not attacked



5:34 PM

That was an attack

W



5:34 PM



00087



8:01 [icons]

< Winnie
513 [redacted]



5:34 PM That was an attack

W



5:34 PM

W

No that was self defense
against me feeling attacked

5:35 PM

Hmmmm

5:35 PM

Did i attack you?

W

Well yes It felt like your attacking
my morality

5:36 PM

Wtfe

Sorry

5:39 PM

W

I'm sorry too

5:42 PM

Your not but it's cool I'm getting
used to this shit

5:42 PM

Sorry I bothered you

Monday, December 21, 2020



00088



3:37



Winnie

4:28 PM, Aug 22

Trust me it's not about being gay it's about the world being how it is .. it feels like everyone is split and the minority is trying to school everyone else to make them understand but when the people don't agree or can't be swayed they are attacked like what the minority thinks is right and everything else is not so that's kinda taking from everyone else's opinion that's all they are trying to say not that it's wrong but its ok not to be on board but respectful about it everyone needs to respect everyone's belief not just theirs and have respect about it 😊



Copy text



Share



More



00089



3:40



Me

4:37 PM, Aug 22

Sorry winnie nobody should respect the history of the rebel flag!!!! They were traitors who only wanted slavery.. Lincoln negotiated to end the war a couple of times they agreed on everything but one thing SLAVERY!! It is the symbol of oppression and hate that still means the same today... i have been a straight white guy most my life. You will never ever convince me that these people who told me they were racist when they saw me as Eric magically changed their beliefs when i became jamie and it became about history.... the major flaw with the argument is those who fly it are mostly racist, they are, 150 years later still the same... maybe just maybe it's time to grow as a country just maybe. When you start something out attacking gay people winnie come on its just hate!!!!



Copy text



Share



More



00090



3:40



Winnie

5:14 PM, Aug 22

With all due respect, Lincoln ended slavery to cripple the south's economy, the confederate states were taxed illegally and bullied by the northern states due to their increased farming and a slave tax, the confederate flag is a symbol of governing your self and standing up to tyranny. I accept everyone and their choices however attacking someone for their personal beliefs is sick and waste of time. People aren't attacking you for your choices they have accepted you as you are and I think you should do the same put your time and energy into being positive instead of spreading this type of hate do you understand what I'm saying here?? I'm not attacking



Copy text



Share



More



00091



3:41 

Me

5:30 PM, Aug 22

(No subject)

Well that's a bunch of bullshit!!! I'm not attacking anyone, I'm just responding to hateful nonsense. I'm sorry peeps from this side of town have a very flawed perspective of history. Guess he shouldn't have ended slavery since it was hurting the pocketbooks of rich slave owners... do you hear yourself. Do you actually believe this nonsense. Mask it as states rights mask it as tyranny history can be seen many different ways by many different eyes but even your argument here is that they were racist but hey lol they should have been allowed to be. Where in the world would we be without great men like Lincoln being unafraid to attack someone's right to own someone else. And yes they were being taxed more because there northern competition and the industrial revolution cotton gin etc. Made the need for slaves less relevant. But instead of moving with the country all they cared about was enslaving a race of people and keeping there old way of life kinda just like that post. Missing the good old days when the gays weren't so loud and black people weren't so vigilant.



Copy text



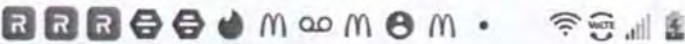
Share



More



00092

8:18 

< Alex

513 [REDACTED]



Saturday, August 15, 2020

A Everyone gonna hate me today.

I called off.

8:55 AM

9:17 AM

Lol what happened

Damn she ok

9:19 AM

That looks rough

A Yeah. I like when dawn doesn't answer tho cause Brian didn't make me feel bad about it at all

9:27 AM

That's good!! They wrote up Katie today for calling in

9:27 AM

9:35 AM

What happened?

A Did they really? When did she call in? And I have a note. Idk what it is. An allergic reaction maybe

9:39 AM

Damn will i hope they are ok! Not sure when she did

9:39 AM

A She doesn't have doctors notes



8:18

< Alex

513 [REDACTED]



Damn will i hope they are ok!
Not sure when she did

9:39 AM

A She doesn't have doctors notes
either.

9:46 AM

9:47 AM

Yeah she's pretty upset 😞

A Damn. I bet she is.

But they aren't gonna do
anything about it

9:59 AM

I sure hope not

10:16 AM

You got your kids tonight

A No sir

10:22 AM

Wanna do something,,,,,,,,,,,,,

10:32 AM

Wanna get drunk and message
a bunch of guys 😊

No maam 😊

10:55 AM

I always lose you when i ask you
to do something

A Lol I wasn't ignoring you I



8:19 [status icons]

< Alex

51 [redacted]

10:55 AM [redacted] to do something

A

Lol. I wasn't ignoring you! I hadn't looked at my phone.

11:17 AM



11:20 AM

A

I had plans. But then I started my period.

So no plans now

11:20 AM

Lol. So you should come over and get drunk with me

11:28 AM

Soooo

12:16 PM

????

12:45 PM

A

Yeah probably

12:50 PM

Probably, I'm trying to make plans form that don't work

12:51 PM



May 18, 2021

Jaime Poweleit
18 Miamiview Dr.
Loveland, OH 45140

Ms. Poweleit,

The investigation was conducted based on allegations of a hostile work environment created by Alleged Harassers (AH), Postmaster Jessica Maggard and Supervisor Bryan Mulholland against alleged Victim (AV) Rural Carrier Jaime Poweleit.

Below is a brief explanation of the allegation and the finding for the allegation. The findings letters will be mailed to the Alleged Victim and Alleged Harasser. The AV makes the claim that the AH behavior is the result of their "transphobic" behavior.

Allegation 1: AV claims she is being subjected to a "hostile work environment" as a result of locks being installed on the restrooms.

Determination 1: Unsubstantiated. The investigation found that the locks were installed on the restrooms because the restrooms also serve as changing rooms for the employees and the locks were installed to prevent others from walking in on employees while they are changing clothes. The Postmaster also reported that both restrooms have been converted to unisex to accommodate the AV.

Allegation 2: the AV alleges that she is being subjected to a hostile work environment as a result of being "singled out" by management and other employees. The AV cites an incident which occurred on 4/3/2021 in which a heated verbal exchange took place on the workroom floor between the AV and other employees and the supervisor subsequently intervened and instructed all of the employees back to their cases and duties.

Determination 2: Unsubstantiated. The witnesses all reported that the AV was the individual that caused the disruption on 4/3/2021 and was the only employee that refused to follow the supervisor's instructions.

Allegation 3: The AV claims that management and other employees still refer to her by her former name "Eric".

Determination 3: Substantiated. Witnesses stated that they do occasionally still refer to the AV as "Eric" due to the AV's use of that name for many years prior to the gender transition. They explain that this is not a derogatory term and is only out of force of habit.

Lee Bossa
A/Manager, Labor Relations
Ohio 2 District

12:43



about.usps.com/manuals/eli

UNITED STATES
POSTAL SERVICE

About

812.11 Postmaster General and Chief Executive Officer

Previous

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812 Management Responsibilities

812.1 Headquarters

812.11 Postmaster General and Chief Executive Officer

The Postmaster General and chief executive officer is responsible for establishing and maintaining an effective, comprehensive national occupational safety and health program that fully complies with the OSH Act.

812.12 Chief Operating Officer and Executive Vice President

The chief operating officer and executive vice president ensures that area management implements and maintains effective area safety and health programs by, among other activities, monitoring Area Executive Safety and Health Committee activities during quarterly business reviews.

812.13 Officers

Officers of the Postal Service are delegated the authority and responsibility to ensure safe and healthful working conditions and practices within their functional areas and to ensure compliance with OSHA standards and regulations.

812.14 Vice President of Employee Resource Management

The vice president of Employee Resource Management is delegated the authority and responsibility to administer and evaluate the national safety and health program.

812.2 Area Offices

812.21 Vice President of Area Operations

Vice presidents of Area Operations are responsible for providing effective safety and health programs in their areas and for ensuring compliance with OSHA standards and regulations.

812.22 Area Human Resources Managers

Area Human Resources managers are responsible for monitoring area safety and health programs and performance in compliance with national policy and direction.

812.3 District Managers

812.31 District Managers

District managers are responsible for implementing the occupational safety and health programs within their jurisdiction. Additionally, they must develop a district accident reduction plan (ARP) using the Safety Toolkit to achieve the corporate objectives of reducing injury, illness, and motor vehicle accidents. Refer to the Safety Resources Web site and the Safety Toolkit for additional information on developing, implementing, and monitoring ARPs.

812.32 Installation Heads and Managers

Installation heads and managers are responsible for:

- a. Employee safety and health;
- b. Implementation of the occupational safety and health program;
- c. Compliance with OSHA standards and regulations, including



00097



12:43

- b. Implementation of the occupational safety and health program;
- c. Compliance with OSHA standards and regulations, including maintenance of the accident reports, OSHA Log, and Summary of Injuries and Illnesses through the Employee Health and Safety (EHS) system; and
- d. Developing, implementing, and monitoring facility ARPs using the Safety Toolkit to achieve the corporate objectives of reducing injuries, illnesses, and motor vehicle accidents. Refer to the Safety Resources site and the Safety Toolkit for additional information on developing, implementing, and monitoring ARPs.

Installation heads are encouraged to attend annual safety and health training.

812.4 Middle-Level Managers

Middle-level managers are responsible for the safety and health program within their operations. This includes responsibility for:

- a. Administering OSHA-mandated written programs;
- b. Conducting accident prevention activities;
- c. Training employees; and
- d. Evaluating the safety performance of supervisors.
- e. Coordinating activities, including correction of safety deficiencies, with other operational managers.

Middle-level managers are encouraged to attend annual safety and health training.

812.5 Supervisors' Responsibilities

812.51 General

Supervisors are responsible for:

- a. Identifying and correcting physical hazards;
- b. Investigating and reporting accidents;
- c. Administering OSHA-mandated written programs;
- d. Conducting accident prevention activities;
- e. Training employees;
- f. Developing job safety analyses; and
- g. Enforcing safe work practices.

Supervisors are encouraged to attend annual safety and health training.

812.52 Observation of Work Practices

Supervisors will observe employees' work practices to ensure that they are working safely and document their observations on:

- a. PS Form 4588, *Observation of Work Practices – Delivery Services*, or
- b. PS Form 4589, *Observation of Work Practices – General*, whichever is appropriate.

When used correctly, these forms can:

- a. Help the supervisor and the employee to identify and eliminate work practices that could lead to accidents and injuries.
- b. Give the supervisor an opportunity to recognize and reinforce safe work practices.

812.6 Safety and Health Objectives

For each fiscal year, managers at every level in every function must have in their performance plans safety and health objectives tied to corporate safety indicators and their facility-specific ARPs. Annually, Headquarters will issue management policy and procedures for ARPs tailored to address national safety indicators and priorities.

LOVELAND POST OFFICE
OHIO VALLEY DISTRICT



May 17, 2021

NOTICE OF REMOVAL

rem: hdp

**ERIC POWELEIT
18 MIAMIVIEW DR
LOVELAND, OHIO 45140**

**RURAL CARRIER
EMPLOYEE IN: 03611244**

**Certified #:
Tracking #:**

You are hereby notified that you will be removed from the United States Postal Service no sooner than 30 days from the receipt of this notice. The reason for this action is:

IMPROPER CONDUCT

You have received training and instructions on the Postal Service's policy on Zero Tolerance. Contrary to these instructions and training, you have violated the Postal Service's policy on Zero Tolerance.

Charge #1:

On April 3, 2021 you were involved in a verbal confrontation with another employee. You were told more than once by management to "break it up". Also, you made the threatening statement that you were going to "burn this mother fucker to the ground" and that you were "going to take everybody down, naming management as the first to go".

Charge #2:

On April 5, 2021 you were on the workroom floor, yelling at management, calling them transphobic. You were instructed by management to quit yelling and work quietly in your case. You failed to follow this instruction. You continued to be loud and combative with your voice. You claimed that you were sick and that you were leaving. I instructed you fill out a 3971. You refused at first but then did fill one out and threw it on the floor as you walked by the supervisors desk yelling "thanks for all the birthday wishes, it had been a great birthday thanks to all of us transphobic people".

Your actions are a direct violation of the Joint Statement of Violence in the workplace (Zero Tolerance policy, JSOV).

Your improper conduct while performing your duties constitutes a violation of USPS Standards of Conduct as expressed in the **Employee and Labor Relations Manual (ELM)**.

ELM Section 665.13 Discharge of Duties

Employees are expected to discharge their assigned duties conscientiously and effectively.

DISC

ERIC POWELEIT
RURAL CARRIER
EIN: 03611244

NOTICE OF REMOVAL

ELM Section 665.15 Obedience of Orders


Employees must obey the instructions of their supervisors.

ELM Section 665.16 Behavior and Personal Habits

Employees are expected to conduct themselves during and outside of working hours in a manner that reflects favorably upon the Postal Service. Although it is not the policy of the Postal Service to interfere with the private lives of employees, it does require that postal employees be honest, reliable, trustworthy, courteous, and of good character and reputation. The Federal Standards of Ethical Conduct referenced in 662.1 also contain regulations governing the off-duty behavior of postal employees. Employees must not engage in criminal, dishonest, notoriously disgraceful, immoral, or other conduct prejudicial to the Postal Service. Conviction for a violation of any criminal statute may be grounds for disciplinary action against an employee, including removal of the employee, in addition to any other penalty imposed pursuant to statute.

Although there are no other elements of discipline in your file, I find this offense egregious enough to warrant this action.

You have the right to file a grievance under the Grievance-Arbitration procedure as set forth in Article 15, Section 2, of the National Agreement, within fourteen (14) days of your receipt of this notice. If this action is reversed or modified on appeal, back pay may be allowed unless the appropriate award of decision specifies otherwise, only if you have made reasonable efforts to obtain alternate employment during the potential back pay period. The documentation that you must maintain and present to support a back pay claim is described in Part 436 of the Employee and Labor Relations Manual.



Bryan Mulholland
Supervisor Customer Service

I have received the original letter:

(Signature)

(Date)

(Time)

DISC

2

June 21, 2021

Eric Poweleit
18 Miami View Drive
Loveland, OH 45140

Dear Eric Poweleit:

United States Postal Service has asked PsyBar to facilitate an evaluation for you to assist with a medical/employment matter. In order to complete the evaluation, the doctor may like to speak with your treating doctor and/or review your medical records. If you would like to make that information available to the doctor who evaluates you, an authorization to disclose information form will be necessary.

In order for the doctors to share information about your medical history, privacy laws require that they obtain a consent form signed by you. The purpose of this letter is to inform you of the opportunity to provide the doctors with a signed authorization form.

If you'd like the doctor who will evaluate you to review your records and/or speak with your treating doctor, please sign where indicated and write in the name of your treating doctor and their phone number in the area indicated, then fax the completed form to your treating doctor. Your doctor can then fax the records to Dr. Delaney Smith at 614-641-7037. If you have more than one treating doctor/provider, feel free to make copies of the form as needed. Please bring a copy along to your evaluation. Please immediately inform PsyBar if you or any of your family members have ever seen this doctor before.

Thank you.

Laura Kosbab

Laura Kosbab
Medical Records Retrieval Specialist

**UNITED STATES
POSTAL SERVICE®***Please print or type when completing this form.***Authorization to Use or Disclose
Protected Health Information****I. Applicant/Employee Personal Information**

I, [Redacted], give permission to the health care provider named below to furnish to the United States Postal Service® the following medical information:

Protected Health Information to be Used or Disclosed

- | | | |
|---|--|--|
| <input type="checkbox"/> New Hire Candidate Physical | <input type="checkbox"/> FMLA Serious Health Condition | <input type="checkbox"/> Return to Work Exam |
| <input type="checkbox"/> Drug Test | <input type="checkbox"/> Fitness for Duty Exam | <input type="checkbox"/> Documentation of Disability to Support Reasonable Accommodation Request |
| <input type="checkbox"/> Alcohol Test | <input type="checkbox"/> CDL Exam | |
| <input type="checkbox"/> Other (Description Required) _____ | | |

Signature of USPS® Employee or Applicant

Date (MM/DD/YYYY)

EIN or SSN

II. Postal Service™ Requester/Recipient of Information

Requester's Name (Last, First, MI)

Requester's Title

Requester's Address (Number, street, suite, etc.)

City

State

ZIP+4®

Requester's Office Telephone Number (Include Area Code and Extension)

III. Authorized Health Care Provider

Provider's Name (Last, First, MI)

Provider's Type of Practice

Provider's Address (Number, street, suite, etc.)

City

State

ZIP+4

Provider's Office Telephone Number (Include Area Code and Extension)

Provider's Email Address

Provider's Office Fax Number (Include Area Code)

IV. Disclosure Information and Privacy Act Statement**Re-Disclosure by Recipient**

Information disclosed as a result of this authorization may be subject to redisclosure by the recipient and no longer protected by the HIPAA privacy regulation. Nonetheless, all medical information disclosed to the USPS is protected by the Privacy Act and where applicable, the Rehabilitation Act. Therefore, medical information remains confidential and the Postal Service takes all appropriate measures to ensure the privacy of the information disclosed to it against unauthorized disclosures to any party who does not have legitimate need for it in the discharge of official business.

Right of Revocation

You have the right to end this authorization at any time by writing to the authorized health care provider at the office of the health care provider listed above and requesting revocation of your authorization to the United States Postal Service. If you make a request to end the authorization, it will be honored prospectively only and not affect disclosures or uses already made based upon your prior permission.

Expiration of Authorization

This authorization will expire 1 year from the date of signature.

Privacy Act Statement

Your information will be used for hiring decisions; to determine fitness for duty; to make reasonable accommodation decisions; or to grant or deny official leave from duty. Collection is authorized by 39 USC 401, 404, 410, 1001, 1003, 1005, and 1206; and 29 USC 2601 et seq. Providing the information is voluntary, but if not provided, you may not receive full consideration for employment or reasonable accommodations; your commercial driver's license may not be renewed; or official leave may not be granted. We may only disclose your information as follows: in relevant legal proceedings; to law enforcement when the USPS or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with USPS; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel.

**Evaluating doctor/treatment doctor
Authorization for Use and Disclosure of Health Information**

I, Eric Poweleit, hereby authorize the use and disclosure of my health information and medical records as described in this authorization.

1. Person(s)/organization(s) authorized to disclose, receive and exchange the medical information described in paragraph 2 below:

I authorize Dr. Delaney Smith and

Name of Treatment Doctor

Address of Treatment Doctor

Phone #

Fax #

to use, disclose, discuss and exchange in writing, orally, or in any other appropriate media, as necessary and appropriate, the information described in paragraph 2 below with each other.

2. Purpose of the request and description of medical information:

This authorization, made at Eric Poweleit's request, relates to any records, files and data concerning my medical or psychiatric care, history, diagnosis, prognosis, and treatment relevant to making a determination about Employee's fitness for duty. This information may include, without limitation, Health Professional's written reports and opinions, diagnosis, test results, information about drug and alcohol use, abuse, dependence, and treatment, and HIV/AIDS testing information for the purposes of this specific evaluation. This authorization excludes and does not authorize the release of "psychotherapy notes" as defined in 45 CFR 164.501.

The following paragraphs describe your rights with respect to this Authorization:

- I understand that this authorization is voluntary and that I have the right to revoke this authorization at any time. In order to revoke this authorization, I must notify PsyBar, LLC, in writing, at 6600 France Avenue South, Suite 640, Edina, MN 55435 and to Dr. Delaney Smith. I understand that the revocation is only effective after it is received and logged by PsyBar, LLC. I understand that any use or disclosure made prior to PsyBar, LLC's receipt and logging of the written revocation will not be affected by the revocation nor will the revocation apply to uses or disclosures made in reliance on this authorization.
- I understand that after this information is disclosed, the recipient might redisclose it and the information might no longer be protected under HIPAA.
- I understand that I am entitled to receive a copy of this authorization and that a photocopy of this form shall have the same legal weight as an original.
- I understand this authorization is effective for 24 months unless I revoke it in writing sooner.

Signature of Employee

Date of Individual's
Signature

Date of Birth

OR, if applicable -

Signature of
Guardian/Personal
Representative of
Person's Estate

Date of
Guardian's/Personal
Representative's
Signature

Description of Authority to
Act for the Individual